

# EXHIBIT 1 CAMPBELL TRANSCRIPT

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

-----X

3 KEVIN CAMPBELL,

4 Plaintiff,

5 Case No:

6 - against -

22-cv-7662

7 FEDERAL EXPRESS CORPORATION a/k/a FEDEX EXPRESS  
8 and ERIC WANDERS, Individually,  
9 Defendants.

-----X

10 88 Pine Street  
11 New York, New York

12 December 7, 2023

13 10:09 a.m.

14  
15  
16  
17  
18  
19 VIDEO RECORDED DEPOSITION OF KEVIN CAMPBELL, the  
20  
21 Plaintiff, pursuant to Notice, taken at the above  
22  
23 place, date and time, before MARIA ACOCELLA, a  
24  
25 Notary Public within and for the State of New York.

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A P P E A R A N C E S :

MASSIMI LAW, P.L.L.C.

Attorney for Plaintiff

99 Wall Street

Suite 1264

New York, New York 10005

BY: JESSICA MASSIMI, ESQ.

FEDERAL EXPRESS CORPORATION

Attorneys for Defendants

145 Lt. George W. Lee Avenue

Memphis, Tennessee 38103

BY: GABRIEL McGAHA, ESQ.

ALSO PRESENT: Howard Brodsky, Videographer

Michael Christophe, FedEx Rep

1 S T I P U L A T I O N S :

2  
3 IT IS HEREBY STIPULATED AND AGREED by and  
4 between the attorneys for the respective parties  
5 hereto, that this examination may be sworn to  
6  
7 before any Notary Public.

8  
9  
10  
11 IT IS FURTHER STIPULATED AND AGREED that the  
12  
13 filing and certification of the said examination  
14  
15 shall be waived.

16  
17  
18  
19 IT IS FURTHER STIPULATED AND AGREED that all  
20  
21 objections to questions, except as to the form of  
22  
23 the question, shall be reserved for the time of  
24  
25 trial

1 [!WITNESS NAME]

2 MR. BRODSKY: Good morning.

3 Here begins the video recorded  
4 deposition of Kevin Campbell, appearing  
5 from this location at Morrison Mahoney,  
6 LLP, Wall Street Plaza, 88 Pine Street,  
7 Suite 1900, New York, New York 10005.

8 This deposition is taken by the  
9 defendant of matter of Kevin Campbell,  
10 Plaintiff, versus Federal Express  
11 Corporations, et al., Defendants, Civil  
12 Action Number 22-cv-7662 in the United  
13 States District Court Eastern District  
14 of New York.

15 Today is Thursday, December 7,  
16 2023. The time is 10:09 a.m. Eastern  
17 Standard Time.

18 My name is Howard Brodsky, and I  
19 am the legal video specialist, in  
20 association with Veritext Legal  
21 Solutions with offices located in  
22 Memphis, Tennessee.

23 The court reporter is Maria  
24 Acocella, in association with Veritext.

25 Will counsel please state their

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1 [!WITNESS NAME]

2 appearances for the record?

3 MS. MASSIMI: Jessica Massimi,  
4 for the Plaintiff.

5 MR. MCGAHA: Gabriel McGaha, here  
6 on behalf of both Defendants.

7 MR. BRODSKY: Thank you, Counsel.  
8 Will the court reporter please  
9 swear in the witness.

10 THE COURT REPORTER: Can you  
11 raise your right hand for me.

12 Do you solemnly swear or affirm  
13 the testimony you are about to give will  
14 be the whole truth and nothing but the  
15 truth, so help you God?

16 THE WITNESS: Yes.

17 THE COURT REPORTER: Okay.

18 Can I please have your name and  
19 address?

20 THE WITNESS: Kevin Campbell,  
21 2024 31st Street, Astoria, New York,  
22 sorry.

23 THE COURT REPORTER: Do you have  
24 a ZIP code?

25 THE WITNESS: 11105.

1 [!WITNESS NAME]

2 MR. BRODSKY. Please proceed,  
3 Counsel.

4 MR. McGAHA: Thank you.

5 K E V I N C A M P B E L L, the Plaintiff  
6 herein, having been first duly sworn by a  
7 Notary Public within and for the State of  
8 New York, was examined and testified as  
9 follows:

10 EXAMINATION BY

11 MR. McGAHA:

12 Q. Mr. Campbell, my name is Gabriel  
13 McGaha, as I mentioned earlier. I am here on  
14 behalf of the defendants pertaining to the  
15 lawsuit you filed that is pending in Federal  
16 Court here in New York.

17 I will be asking you some  
18 questions today about that pertain to the  
19 lawsuit. And we will try to get us in and  
20 out of here as soon possible, but we will  
21 probably be most of the day, so I wanted to  
22 do a little preliminary before we get into  
23 the substance of the lawsuit.

24 And, first of all, have you had  
25 your deposition taken before?

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1 [!WITNESS NAME]

2 A. No.

3 Q. All right. So the most important  
4 thing -- one of the most important things to  
5 remember is that the answers need to be  
6 verbal.

7 Sometimes we will nod and shake.  
8 I do the same thing when I am speaking with  
9 someone who I know, who is speaking to me;  
10 but the court reporter can't record head nods  
11 or head shakes, she needs to hear yeses, noes  
12 and everything in between, so please make  
13 sure that you answer the questions verbally.

14 If you need to take a break at  
15 any point, please let me know. The only  
16 admonition I would add to that is if I ask  
17 you a question, you need to answer the  
18 question, and then you can take a break, so  
19 you can't take a break after a question is on  
20 the table and has not been answered. Does  
21 that make sense?

22 A. Yes.

23 Q. I also need to make sure that you  
24 understand all of my questions, so if I say  
25 something, if I ask a question, either you

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1 [!WITNESS NAME]

2 could not hear what I said or you were  
3 confused about the way that I worded the  
4 question, please let me know, and I will do  
5 my best to rephrase it, okay?

6 And if you don't understand it,  
7 don't answer it; ask me to explain it. Does  
8 that make sense?

9 A. Yes.

10 Q. I need you to answer my  
11 questions, which I am sure you will do.

12 And is there any reason why you  
13 can't provide truthful and accurate testimony  
14 today?

15 A. No.

16 Q. So let's start from the beginning  
17 of your employment with FedEx.

18 When did you first become  
19 employed with FedEx?

20 A. April 1, 2017.

21 Q. And were you -- how did you apply  
22 for that job, and how did that all come  
23 about?

24 A. FedEx acquired the company that I  
25 used to work for, which was TNT USA.

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1 [!WITNESS NAME]

2 Q. And what was your position at  
3 TNT?

4 A. I was a walker.

5 Q. Can you explain what that means?

6 A. A walker is someone who delivers  
7 packages on foot.

8 Q. I am going to hand you a  
9 document. I am going to mark this is as  
10 Exhibit 1.

11 MS. MASSIMI: You don't -- the  
12 exhibits aren't Bates stamped?

13 MR. McGAHA: No, but every  
14 document that I have today, you have a  
15 copy of.

16 MS. MASSIMI: Okay.

17 MR. McGAHA: Yeah.

18 MS. MASSIMI: Yeah. No, I wasn't  
19 doubting that you had disclosed this.

20 Just for posterity purposes, it  
21 is often easier to have -- it is fine.  
22 Okay.

23 So you did disclose that. I  
24 don't doubt it.

25 MR. McGAHA: If we need to at the

1 [!WITNESS NAME]

2 end, I can get my assistant to send me  
3 the actual Bates stamped documents to  
4 swap them out, if you want to do that.

5 MS. MASSIMI: We can sort that  
6 out later.

7 MR. McGAHA: Okay. All right.  
8 Some of the documents are Bates stamped.

9 MS. MASSIMI: Thank you.

10 MR. McGAHA: But not all of them,  
11 so -- so no problem.

12 Q. In any case, do you recognize  
13 that document?

14 A. Yes.

15 MS. MASSIMI: He doesn't have the  
16 document.

17 MR. McGAHA: I gave it to you to  
18 give to him.

19 MS. MASSIMI: Got it. Okay.  
20 Do you have two copies of it?

21 MR. McGAHA: I have two copies of  
22 it. I have my copy, then I have two  
23 copies.

24 What we could do is, I could  
25 give -- if you want a copy while he has

1 [!WITNESS NAME]

2 a copy, I will give you the court  
3 reporter's copy, and then when we get  
4 ready to stamp it, can we do it that  
5 way?

6 MS. MASSIMI: Thank you.

7 MR. McGAHA: Sure.

8 MS. MASSIMI: Appreciate it.

9 Q. Does that document look familiar  
10 to you, Mr. Campbell?

11 A. Yes.

12 Q. What is it?

13 A. It looks like an offer letter.

14 Q. And an offer from FedEx; is that  
15 correct?

16 A. Yes.

17 Q. And you said that you were a  
18 walker with TNT; is that correct?

19 A. Yes.

20 Q. And did you have a choice about  
21 being employed with FedEx, or did you -- or  
22 were you just sent the offer letter after  
23 FedEx acquired TNT?

24 A. It was a choice.

25 Q. Okay. So did you apply for the

Page 11

1 [!WITNESS NAME]

2 position for a position at FedEx?

3 A. No.

4 Q. So when you say it was a choice,  
5 how -- can you explain how the employment  
6 with FedEx came about?

7 A. They sent out offer letters to  
8 the employees.

9 Q. Who is they?

10 A. FedEx.

11 Q. Okay.

12 A. And if you wanted to keep your  
13 job or move forward with FedEx, that was an  
14 offer.

15 Q. Okay. And were you going to be  
16 paid the same amount? Were -- what was  
17 different about -- I don't want to ask you  
18 too many questions at once.

19 What was different about the job  
20 that you had at TNT versus the job you were  
21 about to take at FedEx?

22 A. At the time, I didn't know.

23 Q. Okay.

24 A. It was a very similar job.

25 Q. Okay. All right.

1 [!WITNESS NAME]

2 You are going to be paid the same  
3 amount?

4 A. No.

5 Q. Were you going to be paid more or  
6 less?

7 A. I got paid more at FedEx.

8 Q. All right.

9 What about your hours? Were they  
10 going to be the same, or were they going to  
11 be different?

12 A. They said I would be full-time,  
13 just as I was at TNT USA.

14 Q. Same shift?

15 A. Similar shift.

16 Q. All right. Was the location  
17 going to be the same?

18 A. No.

19 Q. Okay. Tell me why it was going  
20 to be different, or where -- how it was  
21 different?

22 A. For FedEx, I worked in Maspeth,  
23 Queens, and for TNT USA I reported to Long  
24 Island City.

25 Q. Okay. Were you a driver at TNT?

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1 [!WITNESS NAME]

2 A. No, I did not drive.

3 Q. Okay. Were you ever a driver at  
4 FedEx?

5 A. No. I never drive -- I never  
6 drove for FedEx.

7 Q. What was your title at FedEx when  
8 you were first hired?

9 A. Courier, non-driver, non-DOT.

10 Q. Were there any other courier  
11 non-drivers that you knew of at FedEx?

12 A. At my station, or at FedEx?

13 Q. At your station and FedEx.

14 Thank you for clarifying?

15 A. Not at my station.

16 Q. So what was the difference  
17 between a courier driver and a courier  
18 non-driver at FedEx?

19 A. The difference was that the  
20 courier driver only drove, and the courier  
21 non-driver was assisted to the driver of the  
22 route.

23 Q. So explain how that worked every  
24 day?

25 A. I would come in, I would get into

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1 [!WITNESS NAME]

2 a truck with my partner, who did the mall,  
3 and I would assist him with his pickups and  
4 his deliveries on a day-to-day basis when I  
5 first started.

6 Q. Who was your partner?

7 A. Nico. I don't remember his last  
8 name or anything.

9 Q. What was his race?

10 A. His race?

11 Q. Yes.

12 A. His race was -- I believe he was  
13 Hispanic and Italian.

14 Q. And you said when you first  
15 started; you clarified that earlier.

16 A. Uh-huh.

17 Q. Did your job duties change?

18 A. Yes.

19 Q. When did that occur?

20 A. Around the time Henry became my  
21 manager.

22 Q. And do you recall when that was?

23 A. Around the end -- the end of --  
24 the tail end of 2017, maybe.

25 Q. Okay. So not long after you



1 [!WITNESS NAME]

2 started, you started in -- you said you  
3 started in April?

4 A. April, uh-huh.

5 Q. Who was your manager when you  
6 were first hired?

7 A. My belt, as far as I am  
8 knowledgeable, we didn't have a certain  
9 manager to manage the belt. There were  
10 different managers filling in until they  
11 found someone.

12 Q. So you don't know who your  
13 manager was?

14 MS. MASSIMI: Objection.  
15 You can answer.

16 A. I wasn't sure, because I was new,  
17 and I didn't really know how they structured  
18 their day-to-day duties. So I was new, so I  
19 didn't know who my manager was, I was just  
20 sent to work with Nico.

21 Q. Tell me about your day-to-day  
22 when you were first hired at FedEx. Tell me  
23 what you did? I know that you explained that  
24 you would assist the driver.

25 Is that all you did?

Page 16

1 [!WITNESS NAME]

2 A. No.

3 Q. So explain a typical day when you  
4 first started at FedEx.

5 A. I would punch in, head to my post  
6 where I would split the belt.

7 And splitting the belt is  
8 separating the boxes, to make sure they get  
9 to the right belt so they can get to the  
10 drivers.

11 Q. So were you standing on a belt  
12 line? Was there a belt that was -- where  
13 boxes were moving?

14 A. Yes.

15 Q. And were you standing next to the  
16 belt line and separating boxes, based on  
17 where they needed to go?

18 A. Yes.

19 Q. Okay. That is what you mean by  
20 split the belt?

21 A. Yes.

22 Q. Who was standing there with you?

23 A. Another employee on the opposite  
24 side, that also assisted with splitting the  
25 belt.

Page 17

1 [!WITNESS NAME]

2 Q. So were there only two people  
3 that were splitting the belt?

4 A. No, there were multiple employees  
5 that were splitting the belt.

6 Q. How many employees were splitting  
7 the belt at one time during your shift,  
8 roughly?

9 A. Seven people.

10 Q. Okay.

11 A. Roughly.

12 Q. Okay. All right. We will do  
13 another document.

14 MS. MASSIMI: Should we give it  
15 back, or am I holding it?

16 MR. McGAHA: She can -- she can  
17 had -- this is the way it is going to  
18 work, almost like an assembly line.

19 When you get down with yours,  
20 Mr. Campbell, you can hand the document  
21 to the court reporter, and she can mark  
22 it as that exhibit.

23 THE WITNESS: Okay.

24 MR. McGAHA: If you want to keep  
25 the exhibit sheet, that is fine, or not.

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1 [!WITNESS NAME]

2 And I need to refer to a  
3 document, you can hand it back to me.  
4 Does that make sense.

5 MS. MASSIMI: Absolutely.

6 MR. McGAHA: Thank you.

7 Q. Mr. Campbell, do you recognize  
8 that document?

9 A. Yes.

10 Q. All right. What is it?

11 MS. MASSIMI: For the record, you  
12 are showing him Exhibit 2.

13 MR. McGAHA: I am showing him a  
14 document. I haven't had it marked yet.  
15 I want to make sure he recognizes it  
16 first.

17 A. Yes, it looks familiar.

18 Q. Okay. We are going to mark that  
19 as Exhibit 2. All right.

20 Is that your name at the top?

21 A. Yes.

22 Q. I think there are four pages.

23 Is this an employment agreement,  
24 essentially, that you signed?

25 A. Yes.

1 [!WITNESS NAME]

2 Q. If you look at the second page at  
3 the top, there is a paragraph 6 in  
4 parenthesis. Do you see that?

5 A. Uh-huh.

6 Q. At the bottom of that  
7 paragraph -- let's just read it.

8 Moreover, any such authorized  
9 amendments shall be in writing. Nothing in  
10 this agreement, nor any documentation or  
11 other communication from the company shall  
12 affect my employment at-will status.

13 So did you understand that you  
14 were an employee at-will?

15 A. Yes.

16 Q. And if you look at paragraph 7B,  
17 do you see 7B?

18 A. Yes.

19 Q. And 7B says, to the extent the  
20 law allows an employee to bring legal action  
21 against the company or any manager employed  
22 by the company, and acting in his or her  
23 managerial capacity, I agree to bring any  
24 claim within the time provided by law, or no  
25 later than six months from the date of the

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1 [!WITNESS NAME]

2 event forming the basis of my claim,  
3 whichever expires first. Do you see that?

4 A. Yes.

5 Q. It says, I realize and  
6 acknowledge that I'm agreeing to bring any  
7 claim I may have within a shorter time than  
8 may otherwise be provided by the law, right?

9 A. Yes.

10 Q. Is that what it says?

11 A. That is what it says.

12 Q. And that is what you agreed to?

13 A. Yes.

14 Q. That is your signature at the  
15 last page?

16 A. Yes.

17 Q. All right. Thank you.

18 Handing that document over. That  
19 is the one we are to going mark as Exhibit 3.

20 I am going to hand you another  
21 document --

22 MS. MASSIMI: Oh, thank you.

23 Q. Do you recognize that document,  
24 Mr. Campbell?

25 A. It doesn't look familiar to me.

Page 21

1 [!WITNESS NAME]

2 Q. What does it say at the top?

3 A. This is to confirm that Campbell,  
4 Kevin, Employee 5261177, has acknowledged  
5 reading the disclaimer and receiving a copy  
6 of the 2015 FedEx Express employee handbook.

7 Q. And what is the date?

8 A. The date says 4/3/2017.

9 Q. So you acknowledged it on that  
10 date and that time?

11 A. Uh-huh.

12 Q. At 12:40 p.m. and 11 seconds --

13 A. Yes.

14 Q. Central Standard Time?

15 A. Yes.

16 Q. Is that your employee number, by  
17 the way --

18 A. Yes.

19 Q. -- 5261177? Okay.

20 It looks like there are one, two,  
21 three, four, five, six bullet points.

22 Look at the sixth bullet point --

23 MS. MASSIMI: There is seven.

24 MR. McGAHA: I am sorry, there  
25 are seven. I am looking at number six.

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1                                   [!WITNESS NAME]

2                   Thank you for clarifying.

3                   Q.       If you look at the sixth bullet  
4 point, it says except where applicable law  
5 provides otherwise, your employment is  
6 at-will, so either you or FedEx may end the  
7 relationship at any time. Do you see that?

8                   A.       Yes.

9                   Q.       Did you understand that?

10                  A.       Yes.

11                  Q.       And two more paragraphs after the  
12 bullet points, the last paragraph of the  
13 document says, by clicking, I accept below.

14                            You acknowledged that you have  
15 read and understood the above notice and  
16 received a copy of the handbook, correct?

17                  A.       Yes.

18                  Q.       What was the handbook, as far as  
19 you understood it to be?

20                  A.       The handbook was a book that was  
21 given to you when you were first hired, that  
22 explained all the procedures and policies and  
23 rules and what was acceptable and what wasn't  
24 acceptable for the company.

25                  Q.       Did you understand all the

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1 [!WITNESS NAME]

2 policies in the handbook?

3 A. Yes.

4 Q. Did you have access to the  
5 handbook throughout your employment with  
6 FedEx?

7 A. Yes.

8 Q. How could you access the  
9 handbook?

10 A. They printed out a copy for me,  
11 but if need be, I was able to check the  
12 handbook online.

13 Q. Okay. Could you ask someone for  
14 a copy of the handbook, if you needed it, a  
15 manager or HR?

16 A. Yes.

17 Q. Thank you.

18 You can hand that over to her.

19 Thank you?

20 If you don't mind taking a look  
21 at that document, and tell me if it looks  
22 familiar to you.

23 What does it appear to be?

24 A. A document about affirmative  
25 action and equal employment opportunity.

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1 [!WITNESS NAME]

2 Q. As it relates to whom?

3 A. Employees.

4 Q. For what company?

5 A. For FedEx.

6 Q. Was this the EEO policy that was  
7 in place when you were employed there?

8 MS. MASSIMI: Objection.

9 You can answer.

10 A. I am not sure.

11 Q. All right. Do you know whether  
12 or not FedEx had an EEO policy?

13 A. No.

14 Q. Okay. All right.

15 Well, what does it -- let's just  
16 go through the policy.

17 It says Equal Employment  
18 Opportunity Policy at the very top.

19 MS. MASSIMI: Well, objection.

20 If you are reading from the top, that is  
21 not really what it says, but okay.

22 Q. I am reading from the first --  
23 the top paragraph of the document, okay? Do  
24 you see that, where it says Equal Employment  
25 Opportunity Policy hyphen FedEx Express is

Page 25

1 [!WITNESS NAME]

2 committed? Do you see that?

3 A. Yes.

4 Q. I am going to read the first two  
5 sentences of that document, okay? It says  
6 FedEx Express is committed to maintaining a  
7 work environment that is free from any and  
8 all forms of unlawful discrimination and  
9 harassment. It is, therefore, the company's  
10 policy to prohibit discrimination and  
11 harassment against any applicant or employee  
12 on the basis of race, and then it goes  
13 through other protected classes. Do you see  
14 that?

15 A. Yes.

16 Q. Okay. Was it your understanding  
17 that FedEx had a policy in place that  
18 prohibited discrimination and harassment  
19 based on an employee's race?

20 MS. MASSIMI: Objection.

21 You can answer.

22 A. Can you repeat the question? I  
23 am sorry.

24 Q. Was it your -- when you were  
25 first hired at FedEx, was it your

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1 [!WITNESS NAME]

2 understanding that FedEx had a policy or  
3 policies in place that were designed to  
4 prohibit and prevent discrimination and  
5 harassment on the basis of an employee's  
6 race?

7 A. It was to my understanding that  
8 all companies in New York City would have  
9 something like that in place.

10 Q. So that would include FedEx,  
11 right?

12 A. Yes.

13 Q. Okay. If you look down at the --  
14 if you look down, it says policy, there is  
15 scope. The different portions of the  
16 document, there is a portion on this first  
17 page that says communication with human  
18 resources. Do you see that, on the left  
19 margin, about a little more than halfway  
20 down?

21 A. Yes.

22 Q. Communication with human  
23 resources.

24 And it says employees are urged  
25 to take questions concerning equal employment

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1 [!WITNESS NAME]

2 opportunity to their manager or appropriate  
3 HR advisor slash representative. Any  
4 employee is also free to communicate directly  
5 with corporate HR support concerning such  
6 matters. Do you see that?

7 A. Yes.

8 Q. All EEO AAP policies are  
9 available for review by employees upon  
10 request to the matrix HR advisor  
11 representative. Do you see that? Do you see  
12 that?

13 A. Yes.

14 Q. Okay. You said you weren't --  
15 you don't recognize this policy; is that  
16 right?

17 MS. MASSIMI: Objection.

18 You can answer the question.

19 A. Off the top of my head, no, I  
20 don't remember that.

21 Q. Was it your understanding, while  
22 you were employed at FedEx, that if you had  
23 an issue with being discriminated or  
24 harassed, you could contact HR?

25 MS. MASSIMI: Objection.

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1 [!WITNESS NAME]

2 You can answer.

3 A. Yes.

4 Q. Did you understand that one of  
5 HR's functions was to investigate complaints  
6 of discrimination and/or harassment?

7 A. Yes.

8 Q. I am going to hand you another  
9 document, And this says 5-55 Anti-Harassment,  
10 correct?

11 A. Yes.

12 Q. And was it your understanding  
13 that -- well, looking at this document, does  
14 that appear to be an anti-harassment policy  
15 from FedEx?

16 A. Yes.

17 Q. And let's look at top of the  
18 page. It says FedEx Express condemns any  
19 acts in its work environment that create the  
20 potential for illegal harassment, both in  
21 terms of individual employee morale and in  
22 violation of applicable Federal, State and  
23 Local laws. FedEx Express will not tolerate  
24 harassment of any employee because of that  
25 employee's -- and it goes on to list a number

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1 [!WITNESS NAME]

2 of protected categories, including race. Do  
3 you see that?

4 A. Yes.

5 Q. All right. If we look down at  
6 the definition section of the document, it  
7 says harassment is a form of employment  
8 discrimination that is impossible to define  
9 with precision. Whether or not appropriate  
10 behavior constitutes illegal harassment  
11 depends upon many factors. Do you see that?

12 A. Yes.

13 Q. Turn the page with me please.

14 MS. MASSIMI: I am sorry?

15 Q. If you will turn the page with  
16 me, sorry. Turn to the next page.

17 A. Uh-huh.

18 Q. If you look at the next page,  
19 there is a complaints section of that  
20 document. Do you see that, complaints, in  
21 the left-hand margin?

22 A. Yes.

23 Q. All right. It says if an  
24 employee believes that he or she has been  
25 subjected to harassment by anyone, including

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1 [!WITNESS NAME]

2 supervisors, coworkers, vendors or customers,  
3 he or she must immediately report this to  
4 management or HR. Is that what it says?

5 A. Yes.

6 MS. MASSIMI: I am just going to  
7 object, to the extent that counsel is  
8 reading from a document that is not  
9 Bates stamped.

10 MR. McGAHA: Okay. Perfectly  
11 fine.

12 Q. This document was produced to  
13 your counsel before the deposition, so you  
14 have --

15 MS. MASSIMI: I have no way of  
16 verifying that, because you are reading  
17 from documents that have no Bates stamps  
18 on them.

19 MR. McGAHA: This document -- I  
20 will put on the record, this document  
21 was produced.

22 We can swap the document out for  
23 the ones that have Bates stamps, if you  
24 want to do it that way.

25 MS. MASSIMI: I don't -- if you

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1                                   [!WITNESS NAME]

2                   are going to swap the documents out --

3                   MR. McGAHA: For ones that are  
4                   Bates stamped.

5                   MS. MASSIMI: You should do that  
6                   now. Unfortunately, to do it after the  
7                   deposition would not really be proper.

8                   I am just making a note that you  
9                   are reading from a document, and I don't  
10                  know what this document is.

11                  MR. McGAHA: Okay.

12                  MS. MASSIMI: Because the witness  
13                  is not the author of this document, and  
14                  the document is not Bates stamped.

15                  MR. McGAHA: All right. That is  
16                  fine. We can deal with that later, if  
17                  you want to, at the break.

18                  I will be glad to swap this out  
19                  for a Bates stamped copy or not.

20                  MS. MASSIMI: Again, I am not --  
21                  if you are going to ask about documents  
22                  that are not Bates stamped, by the time  
23                  you have asked about them, you can't  
24                  swap them out for different documents.

25                  I would have to go line by line

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1                                   [!WITNESS NAME]

2                   to ensure that the document you are  
3                   replacing it with is the same thing that  
4                   you are asking him about now.

5                   MR. McGAHA: That is fine.

6                   However, if, in fact, the only  
7                   way that this is going to be relevant is  
8                   if you have not -- if this document has  
9                   not been produced to you, and it is not  
10                  the exact same copy of the Bates stamped  
11                  version of what I am reading, that is  
12                  the only way it is going to be relevant.

13                  In order to confirm that, at this  
14                  point I would have to go back and match  
15                  this up to one of the thousands of pages  
16                  that you have produced.

17                  MR. McGAHA: Okay.

18                  MS. MASSIMI: I wish that these  
19                  were Bates stamped, it would make it  
20                  much more streamlined, because right  
21                  now, you are reading from a document,  
22                  and I technically don't know what this  
23                  is.

24                  But fine. Let's just proceed.

25                  MR. McGAHA: Okay. Thank you.

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1 [!WITNESS NAME]

2 Q. Does this document say that you  
3 must report harassment to your manager or to  
4 management or HR?

5 A. Yes.

6 Q. All right. What does must mean,  
7 as far as you understand it to be? What is  
8 the definition of the word must, in your  
9 opinion?

10 A. You should.

11 Q. You should?

12 A. Report.

13 Q. Is there a difference between  
14 should and must?

15 A. Possibly, depending on the  
16 context.

17 Q. What do you mean by that? Please  
18 explain. Can you give me an example what you  
19 mean by that?

20 MS. MASSIMI: Objection.

21 Which question do you want him to  
22 answer?

23 Q. Can you explain to me, give me --  
24 can you give me an example of the difference  
25 between should and must, where they might

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1 [!WITNESS NAME]

2 mean different things?

3 MS. MASSIMI: Objection.

4 You can answer the question.

5 A. Must is a definite thing you are  
6 supposed to do, and should is more of a  
7 subjective thing, possibly.

8 Q. A definite thing you are supposed  
9 to do, that is what you said?

10 A. Yeah.

11 Q. So another word for must means  
12 that it is a requirement?

13 A. Yes.

14 Q. All right. If we look down to  
15 the next section, which says retaliation  
16 prohibited, do you see that?

17 A. Yes.

18 Q. It says there will be no  
19 retaliation against any employee who reports  
20 a claim or incident of sexual or other  
21 harassment or against any employee who  
22 participates as a witness in a harassment  
23 investigation.

24 Any employee who feels that he or  
25 she has been subjected to retaliation must

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1 [!WITNESS NAME]

2 immediately make a report to management or  
3 HR. Is that what it says?

4 A. Yes.

5 Q. Did you understand that to be the  
6 policy while you were at FedEx?

7 A. Yes.

8 Q. Did you also understand it to be  
9 the policy of FedEx, that you were required  
10 to report incidents of discrimination and  
11 harassment when they occurred?

12 A. Yes.

13 Q. Okay. All right.

14 Did you report retaliation during  
15 your employment with FedEx?

16 A. Yes.

17 Q. To whom?

18 A. HR.

19 Q. Who in HR?

20 A. Lance. I don't know his last  
21 name.

22 Q. Lance. Could it be Lance Reyes?

23 A. Yes.

24 Q. Do you recall when that occurred?

25 A. No. I can't recall.

1 [!WITNESS NAME]

2 Q. Can you explain to me what  
3 retaliation means to you?

4 A. Retaliation, to me, is when  
5 someone treats you differently after you make  
6 a report that could end in termination.

7 Q. Okay. If someone treats you  
8 differently after you make a report that  
9 could end in termination -- I am not sure I  
10 understand your answer --

11 MS. MASSIMI: Objection.

12 Q. -- so I am going to ask some more  
13 questions.

14 MS. MASSIMI: Objection.

15 Q. I am not sure I understood that  
16 answer, so I am going to ask you some more  
17 questions, to make I understand what you're  
18 saying, okay?

19 You said that retaliation is when  
20 someone treats you differently after you make  
21 a report. That is what you said?

22 A. Yes.

23 Q. Report of what?

24 A. Harassment.

25 Q. Okay. And would the someone be

1 [!WITNESS NAME]

2 any employee, or would it be a member of  
3 management?

4 A. It would be a member of  
5 management.

6 Q. So you're saying that when a  
7 member of management treats you differently  
8 after you made a report of harassment, that  
9 would be retaliation?

10 MS. MASSIMI: Objection.

11 You can answer the question.

12 A. Yes.

13 Q. Okay. Would the treatment have  
14 to be based on your membership in a protected  
15 class?

16 MS. MASSIMI: Objection.

17 Objection.

18 I am not going to let him answer  
19 that specific question.

20 MR. McGAHA: He has to answer the  
21 question. He can --

22 MS. MASSIMI: No. That is a very  
23 specific legal question.

24 You are asking him if the  
25 retaliation would have to be based on

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1 [!WITNESS NAME]

2 his member in a protected class, or if  
3 the discrimination would have to be  
4 based on his member in a protected  
5 class.

6 MR. McGAHA: Let me clarify my  
7 question.

8 Q. What I am asking you is: Do you  
9 believe that it is a retaliation if you are  
10 being treated differently by a member of  
11 management? Do you believe that the  
12 difference in being treated differently has  
13 to be because of your membership in a  
14 protected class, meaning, for example, your  
15 race?

16 MS. MASSIMI: Objection.

17 I am not going to let him answer  
18 that question, because what you are  
19 doing is you are asking him whether  
20 retaliation is the same as  
21 discrimination.

22 MR. McGAHA: I am asking him what  
23 he believes retaliation is.

24 MS. MASSIMI: You are asking him  
25 a leading question, and you are



1 [!WITNESS NAME]

2 incorrectly defining retaliation.

3 In fact, retaliation can be when  
4 someone makes a complaint of  
5 discrimination and there needs to be a  
6 good faith basis for having made the  
7 complaint of discrimination.

8 The retaliation itself, in fact,  
9 is not what you just described it as, so  
10 I am not going to allow him to answer  
11 that specific question.

12 MR. McGAHA: So you are not  
13 going -- you are not -- are you  
14 instructing the witness not to answer  
15 the question?

16 MS. MASSIMI: If the question --  
17 if the question is whether his  
18 understanding is that retaliation --

19 MR. McGAHA: I am asking --

20 MS. MASSIMI: -- has to be based  
21 on his status as a member in a protected  
22 class, yeah, I am not going to let him  
23 answer that question.

24 MR. McGAHA: Okay.

25 MS. MASSIMI: Because the premise

1 [!WITNESS NAME]

2 of that question is legally incorrect.

3 MR. McGAHA: Okay. For the  
4 record, she is instructing her  
5 witness -- Ms. Massimi is instructing  
6 her witness not to answer the question I  
7 just asked, and that question is  
8 essentially what his definition of  
9 retaliation is, and does it have to be  
10 based on his membership in a protected  
11 class. That is what I am asking him.

12 MS. MASSIMI: Right. And he has  
13 answered the first part of that  
14 question.

15 MR. McGAHA: And he did not  
16 answer the second part.

17 MS. MASSIMI: Right, because the  
18 premise of that question is legally  
19 incorrect.

20 MR. McGAHA: Can you let me  
21 finish?

22 MS. MASSIMI: Sure. Go ahead.

23 MR. McGAHA: He has been  
24 instructed -- the witness, Mr. Campbell,  
25 has been instruct by his attorney,

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1 [!WITNESS NAME]

2 Ms. Massimi, not to answer the question  
3 about whether or not the discrimination  
4 or harassment that is the basis for the  
5 retaliation has to be based on his  
6 membership in a protected class.

7 MS. MASSIMI: That is a different  
8 question. That is not the question you  
9 initially asked.

10 I don't think it is funny. I  
11 mean, that is not the question you  
12 initially asked.

13 If you want to ask that question,  
14 that is different.

15 Q. Mr. Campbell, do you believe,  
16 based on your own understanding, that in  
17 order for the retaliation to occur, that the  
18 underlying discrimination or harassment has  
19 to be based on your membership in a protected  
20 class, meaning your race?

21 MS. MASSIMI: Objection.

22 You can answer the question.

23 A. No.

24 Q. Okay. That was the question I  
25 asked from the very beginning.

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1 [!WITNESS NAME]

2 MS. MASSIMI: It wasn't. My  
3 understanding is that --

4 MR. McGAHA: Ms. Massimi, it is  
5 his deposition, not yours. Thank you.

6 MS. MASSIMI: You are correct.

7 And he is here, and he is happy  
8 to answer your questions. Let's not get  
9 into an argument.

10 MR. McGAHA: Exactly, please.

11 MS. MASSIMI: Right.

12 MR. McGAHA: There is no need for  
13 you to speak. Just make your objection.

14 The rules are clear, you cannot  
15 make speaking objections during a  
16 deposition.

17 Make an objection on the record,  
18 and if you want to instruct your client  
19 not to answer, say that, and that is  
20 fine; you can make a record of that.  
21 But do not make speaking objections. We  
22 are going to be here all day, if you do.

23 MS. MASSIMI: You have already  
24 said that we are going to be here all  
25 day.

1 [!WITNESS NAME]

2 What I just said was not a  
3 speaking objection, it was a response to  
4 your statement that the question you  
5 initially asked was the same as the  
6 question you ended up modifying.

7 Q. Mr. Campbell, what does this  
8 document appear to be?

9 A. It appears to be an EEOC  
10 complaint process.

11 Q. Okay. For who?

12 A. For FedEx employees.

13 Q. Okay. And were you familiar,  
14 while you were employed with FedEx, with the  
15 IEEO complaint process?

16 A. No.

17 Q. Had you ever heard of the IEEO  
18 complaint process?

19 A. No.

20 Q. Did you file an IEEO with FedEx?

21 A. Yes.

22 MS. MASSIMI: I am sorry. Can  
23 you please put on the record what the  
24 exhibit number that you are asking  
25 about?

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1 [!WITNESS NAME]

2 MR. McGAHA: I am not asking  
3 about the document, I am asking him  
4 general questions about whether or not  
5 he was familiar with the process and  
6 whether or not he filed an IEEO.

7 MS. MASSIMI: Okay.

8 MR. McGAHA: We will get to the  
9 document.

10 MS. MASSIMI: But for the  
11 document, you have a document in front  
12 of him.

13 MR. McGAHA: I am not asking  
14 about the document.

15 MS. MASSIMI: You just asked if  
16 he recognized this document.

17 MR. McGAHA: And then I asked him  
18 whether -- he said he didn't recognize  
19 it.

20 We are not talking about a  
21 document now.

22 MS. MASSIMI: All I am asking is  
23 that you put on the report the number of  
24 exhibit that you have handed to him, so  
25 that we can keep track of it in the

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1 [!WITNESS NAME]

2 transcript. That is it.

3 Q. Mr. Campbell, did you file an  
4 IEEO while you were employed with FedEx?

5 A. During my GFT, Nan told me that  
6 she would file an EEOC complaint for me after  
7 I was terminated.

8 Q. Who is Nan?

9 A. Nan was the regional manager, I  
10 believe, at the time.

11 Q. She said she would file an EEOC  
12 complaint for you?

13 A. Yes.

14 Q. Do you mean an IEEO complaint?

15 A. I am actually not sure.

16 Q. Do you know the difference  
17 between an IEEO complaint and an EEOC  
18 complaint?

19 A. No.

20 Q. All right. So the document that  
21 I handed you is a document that we are going  
22 to mark as Exhibit 6, is the internal EEO  
23 complaint process. Do you see that?

24 A. Yes.

25 Q. All right. Now you did testify

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1 [!WITNESS NAME]

2 earlier that you received a copy of the  
3 handbook, and that you also testified that  
4 you understood the policies in the handbook,  
5 didn't you?

6 MS. MASSIMI: Objection.

7 You can answer the question.

8 A. Yes.

9 Q. Yes?

10 A. Yes.

11 Q. To both, you received a copy of  
12 the handbook and you could always access the  
13 policies in the handbook, correct?

14 MS. MASSIMI: Objection.

15 You can answer.

16 A. Yes.

17 Q. All right. Thank you. All  
18 right.

19 If you look with me after the  
20 first paragraph -- excuse me, not the first  
21 paragraph, it is the first paragraph of the  
22 section that is titled initiating an IEEO  
23 discrimination, harassment or retaliation  
24 complaint. Do you see that?

25 A. Yes.



1 [!WITNESS NAME]

2 Q. It says all allegations are  
3 discriminatory. Harassing or retaliatory  
4 employment practices are subject to the IEEO  
5 complaint process. Such allegations include  
6 those involving sexual harassment and those  
7 based on an employee's race. And it goes on  
8 to explain or list other memberships in  
9 protected classes. Do you see that?

10 A. Yes.

11 Q. And if you look at the next  
12 paragraph, it says employees who wish to  
13 initiate an internal employment  
14 discrimination, harassment or retaliation  
15 complaint should properly discuss their  
16 concerns with a member of management or HR.  
17 Do you see that?

18 A. Yes.

19 Q. And an employee may also initiate  
20 an IEEO complaint without first discussing  
21 his or her concerns with management or HR by  
22 either completing an online questionnaire in  
23 the HR people hub system or submitting an  
24 IEEO packet to the HR service department or  
25 their HR advisors or representative. Do you

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1 [!WITNESS NAME]

2 see that?

3 A. Yes.

4 Q. Was it your understanding, while  
5 you were employed with FedEx, that you could  
6 initiate an IEEO or, in other words, that you  
7 could complain about harassment and/or  
8 discrimination without having to notify  
9 management directly?

10 MS. MASSIMI: Objection.

11 You can answer the question.

12 A. Can you rephrase that question?

13 Q. Sure. Was it your understanding,  
14 while you were worked at FedEx, that you  
15 could report harassment and/or discrimination  
16 without having to tell your manager about it?

17 A. I was not aware of that.

18 Q. Okay. So you thought that -- I  
19 want to make sure I understand what you're  
20 saying.

21 Are you testifying that you  
22 thought that the only way that you could  
23 report harassment and/or discrimination was  
24 to notify your manager or a manager about it?

25 A. Yes.

1 [!WITNESS NAME]

2 Q. Okay. So are you testifying that  
3 you -- I thought you said -- you testified  
4 earlier -- I am just trying to make sure I  
5 understand what your testimony is here.

6 I thought you testified earlier  
7 that you understood that you could notify HR,  
8 for example, if you believed you were being  
9 harassed, discriminated or harassed or  
10 discriminated against?

11 MS. MASSIMI: Objection.

12 A. I am sorry, I didn't get the  
13 question.

14 Q. All right. I will rephrase it,  
15 or I will repeat.

16 I thought you testified earlier  
17 that you understood that you could notify  
18 human resources, for example, if you believed  
19 that you were being discriminated or  
20 harassed?

21 A. Yes.

22 Q. Okay. But then you just  
23 testified that -- I want to make sure I  
24 understand, you just testified that you  
25 believed that the only way you could report

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1 [!WITNESS NAME]

2 discrimination or harassment was to actually  
3 tell your manager or a manager, so these two  
4 things don't make --

5 A. HR is not on site when things are  
6 happening, so it is very hard to get in touch  
7 with HR. So you would want to report to your  
8 manager if something happened, so that is why  
9 I said that.

10 Q. Okay. But you understood, just  
11 to clarify, that telling your manager was not  
12 the only way to report harassment or  
13 discrimination, correct?

14 MS. MASSIMI: Objection.  
15 You can answer the question  
16 again.

17 A. Yes.

18 Q. And this is the IEEO complaint  
19 process indicated, that in addition to  
20 notifying a member of management or HR, you  
21 could also fill out an online  
22 questionnaire --

23 MS. MASSIMI: Objection.

24 Q. -- correct?

25 MS. MASSIMI: Objection.

1 [!WITNESS NAME]

2 Q. Isn't that what this policy says,  
3 that you are looking at?

4 A. I am sorry. Where does it say?

5 Q. The policy says --

6 MS. MASSIMI: Where does it say  
7 that, he said?

8 Q. The policy says, in the second  
9 paragraph of the initiating an IEEO  
10 discrimination, harassment or retaliation  
11 complaint section, second paragraph.

12 The second paragraph, the second  
13 sentence of the second paragraph says, an  
14 employee may also initiate an IEEO complaint  
15 without first discussing his or her concerns  
16 with management or HR, by either completing  
17 an online questionnaire in the HR people hub  
18 system or submitting IEEO employee packet to  
19 the HR services department or their HR  
20 advisor slash representative. Do you see  
21 that?

22 A. Yes.

23 Q. All right. So does this indicate  
24 that in addition to notifying your manager,  
25 in addition to notifying HR directly, you

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1 [!WITNESS NAME]

2 could file a complaint of discrimination or  
3 harassment online? Is that what that says?

4 A. Yes.

5 Q. Did you know that, while you were  
6 employed with FedEx?

7 A. No.

8 Q. You didn't know that?

9 A. No.

10 Q. Okay. Did you -- when you  
11 acknowledged that you read that handbook and  
12 understood the policies, did you read the  
13 policies?

14 A. A lot of times, managers would  
15 just tell you to hurry up and get it done, so  
16 no, I didn't go through everything line for  
17 line.

18 Q. I think that the date of the  
19 acknowledgment was before you actually  
20 started, right, wasn't it?

21 MS. MASSIMI: Started where?

22 Q. Let's go back to Exhibit -- let's  
23 look at three. All right.

24 At the very top, where it says  
25 that you acknowledge that you received a copy

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1 [!WITNESS NAME]

2 of the handbook, what is the date of that?

3 A. It says the third.

4 Q. Of what day?

5 A. April, 2017.

6 Q. And you testified earlier that  
7 you started when?

8 A. The first was officially my first  
9 day.

10 Q. Okay.

11 MS. MASSIMI: Okay. If you can  
12 just read the complete title of that  
13 document for the record.

14 The title that you just  
15 paraphrased is not the title of this  
16 document.

17 MR. MCGAHA: I am looking at what  
18 has been marked as Exhibit 3.

19 MS. MASSIMI: Okay.

20 MR. MCGAHA: It is going to be in  
21 the record, the title of the document.

22 MS. MASSIMI: I mean, right. It  
23 is not Bates stamped, again.

24 MR. MCGAHA: It doesn't matter.

25 MS. MASSIMI: I does matter.

1 [!WITNESS NAME]

2 MR. McGAHA: It does not matter.

3 I don't have to -- there is no  
4 requirement that I have to have Bates  
5 stamped documents at a deposition.

6 MS. MASSIMI: Okay. Sure.

7 Q. So when you said your first day  
8 was April the 1st?

9 A. Yes.

10 Q. And you said that your first day,  
11 you were not allowed to read the handbook, or  
12 you were rushed?

13 MS. MASSIMI: Objection.

14 Objection.

15 Don't mischaracterize his  
16 testimony.

17 MR. McGAHA: If I -- what I am  
18 saying is not what he said, he can tell  
19 me.

20 Q. I am telling you what I thought I  
21 heard you say, so if I do not hear you say  
22 that, please let me know.

23 Does that make sense,  
24 Mr. Campbell?

25 A. Yes.



1                                   [!WITNESS NAME]

2                   Q.       All right.   Thank you.

3                               You testified that when I asked  
4       you whether or not you got a chance to read  
5       the handbook, you said that you were rushed  
6       by management.   Is that what you said?

7                               MS. MASSIMI:   Objection.

8                               You can answer the question.

9                   A.       When I received the handbook, it  
10       was when I first started the job.

11                  Q.       Okay.

12                  A.       They make you fill out a lot of  
13       paperwork and documents.

14                  Q.       Understood.   But this document  
15       says that by clicking, I accept below, you  
16       acknowledged that you have read and  
17       understood the above notice and received a  
18       copy of the handbook, correct?

19                  A.       Yes.

20                  Q.       So do you -- did you read the  
21       handbook before you clicked the I accept?

22                  A.       I am sorry.   Ask the question  
23       again.

24                  Q.       Did you read the handbook before  
25       you clicked, I accept?

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1 [!WITNESS NAME]

2 A. The handbook has a lot of pages,  
3 so I skimmed through it.

4 Q. It is a yes or no question.

5 MS. MASSIMI: Don't cut him off.  
6 Please let the witness answer the  
7 question.

8 MR. McGAHA: No. He needs to  
9 answer the question that I asked him.

10 MS. MASSIMI: Excuse me, excuse  
11 me. Please do not cut the witness off.

12 Can you please allow him to  
13 answer the question that you asked?

14 MR. McGAHA: I am going to --  
15 exactly. Have the witness answer the  
16 question that I asked.

17 MS. MASSIMI: Right. But  
18 don't -- Mr. McGaha, you cannot  
19 interrupt him.

20 MR. McGAHA: Ms. Massimi, it is  
21 his deposition, not yours.

22 MS. MASSIMI: Correct.

23 Please do not interrupt him.

24 Please allow him to answer the question.

25 Can you please read the question

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1 [!WITNESS NAME]

2 back?

3 Q. Mr. Campbell, if I ask you a yes  
4 or no question, please answer the question  
5 yes or no.

6 MS. MASSIMI: No, he does not  
7 have to do that. He does not have to,  
8 Mr. McGaha. That is improper.

9 Q. Mr. Campbell, if I ask you a yes  
10 or no question, please answer the question  
11 yes or no.

12 If you need to elaborate, that is  
13 fine, but we want to make sure that we get  
14 the answers to the questions that I asked,  
15 and not the answers to other questions that I  
16 did not ask. Does that make sense?

17 A. Yes.

18 MS. MASSIMI: And now you are  
19 giving conflicting instructions. You  
20 are telling him that if you ask a yes or  
21 no question, that he should answer with  
22 a yes or no, but that if he needs to  
23 elaborate, he should elaborate.

24 He is going to answer the  
25 question truthfully. He is here to give

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1 [!WITNESS NAME]

2 truthful testimony.

3 Q. Mr. Campbell, did you read the  
4 handbook before you clicked the I accept?

5 A. I skimmed through the handbook.

6 Q. So is the answer yes or no?

7 MS. MASSIMI: Objection. He has  
8 answered the question.

9 Q. Did you read the handbook before  
10 you clicked, I accept?

11 MS. MASSIMI: Objection, asked  
12 and answered.

13 MR. McGAHA: It has not been  
14 answered.

15 MS. MASSIMI: Yes, it has.

16 MR. McGAHA: The answer is either  
17 yes or no.

18 MS. MASSIMI: He has answered the  
19 question.

20 You can answer the question  
21 again.

22 A. There is a lot of pages in the  
23 handbook.

24 Q. I didn't ask about the number of  
25 pages.

1 [!WITNESS NAME]

2 MS. MASSIMI: Please stop  
3 interrupting the witness, Mr. McGaha.  
4 That is not permitted.

5 MR. McGAHA: That is not the  
6 question that I asked.

7 MS. MASSIMI: Please do not argue  
8 with the witness, Mr. McGaha. He is  
9 answering your questions.

10 Q. Mr. Campbell, did you read the  
11 handbook before you click I accept; yes or  
12 no?

13 MS. MASSIMI: Objection.  
14 You can answer the question  
15 again.

16 A. Let me try this again.  
17 There is a lot of pages in the  
18 handbook, and you have to get -- you have to  
19 get this done by a certain time, so I didn't  
20 go through every line and every page.

21 Q. So you did not read the entire  
22 handbook?

23 MS. MASSIMI: Objection.

24 Q. Is that true?

25 MS. MASSIMI: Objection.

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1 [!WITNESS NAME]

2 Q. You did not read the entire  
3 handbook before you clicked I accept?

4 MS. MASSIMI: Which question do  
5 you want him to answer?

6 Q. Isn't it true that you did not  
7 read the entire handbook before you clicked I  
8 accept?

9 MS. MASSIMI: Objection.  
10 You can answer the question  
11 again.

12 A. Can you ask the question again?

13 Q. Is it true that you did not read  
14 the entire handbook before you clicked I  
15 accept?

16 MS. MASSIMI: Objection.  
17 You can answer as the question  
18 again.

19 A. I read enough of the handbook in  
20 the allotted time that I was given.

21 Q. I asked you a yes or no question.

22 MS. MASSIMI: Mr. McGaha, he  
23 answered your question.

24 MR. MCGAHA: He has not answered  
25 my question.

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1 [!WITNESS NAME]

2 MS. MASSIMI: Yes, he has.

3 Q. Do you read the entire handbook  
4 before you clicked I accept, yes or no?

5 MS. MASSIMI: Objection.

6 You can answer the question  
7 again.

8 A. In the allotted the time that I  
9 was given, I read the handbook.

10 Q. Who gave you -- when you say the  
11 allotted time you were given, how much time  
12 were you given?

13 A. There is a certain amount of  
14 time.

15 You don't work all day when you  
16 are new. They give a certain amount of time  
17 to complete this paperwork and whatever  
18 training that they give you.

19 Q. How much time did they give you?

20 A. FedEx, I don't recall.

21 Q. Who is they, when you say they?

22 A. FedEx.

23 Q. Who at FedEx?

24 A. Management.

25 Q. Who?

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1 [!WITNESS NAME]

2 A. I don't recall.

3 Q. You don't remember who gave you  
4 an allotted amount of time, but someone gave  
5 you an allotted amount of time to read the  
6 handbook?

7 A. Yes. It was 2017. I don't  
8 remember.

9 Q. And you don't remember how much  
10 time you were given?

11 A. No. It wasn't eight hours.

12 Q. It was not eight hours?

13 A. No.

14 Q. Do you remember about how long it  
15 was?

16 A. I don't remember.

17 Q. In any case, you were still --  
18 you still had access to the handbook  
19 throughout your employ with FedEx?

20 A. Yes.

21 Q. And you had access to it,  
22 correct?

23 A. No.

24 Q. You didn't know how to access the  
25 handbook?



1 [!WITNESS NAME]

2 A. No, I didn't. It wasn't  
3 something that we spoke about all the time.

4 Q. I thought you said --

5 A. It wasn't common practice.

6 Q. I thought you testified earlier  
7 that you had access to the handbook online?

8 A. Having access it and knowing how  
9 how to access it is two different things.

10 Q. Okay. Was there ever an instance  
11 where you wanted access to the handbook, and  
12 you could not get access to it?

13 A. No.

14 Q. Do you ever attempt to access the  
15 handbook online during employment with FedEx?

16 A. I have asked managers for the  
17 handbook before when I first started.

18 Q. Okay.

19 A. Because I lost it.

20 Q. Who did you ask?

21 A. Henry Nunez.

22 Q. What was his response?

23 A. He would get to it. Kind of blew  
24 me off. It is not something that we speak  
25 about at FedEx often.

1 [!WITNESS NAME]

2 Q. You said you lost your copy of  
3 the handbook?

4 A. Yes.

5 Q. When did that happen?

6 A. I don't remember.

7 Q. And did you ask anyone else for a  
8 copy of the handbook?

9 A. Someone else like who?

10 Q. I don't know. You tell me?  
11 Did you ask anyone else for a  
12 copy of the handbook, other than Mr. Nunez?

13 A. No.

14 Q. Let's go back to the document  
15 that you have in front you, please.

16 MS. MASSIMI: Which document?

17 A. Which one the last document?

18 Q. That has been marked as Exhibit  
19 6.

20 You testified that you -- that an  
21 IEEO was initiated at some point, based on  
22 allegations that made, correct?

23 A. Yes.

24 Q. All right. But this was after  
25 you were terminated; is that right?

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1 [!WITNESS NAME]

2 A. Yes.

3 Q. All right. And you said Nan.

4 Was it Nan Malebranche that  
5 assisted you with?

6 A. Yes, and Lance Reyes.

7 Q. And Lance Reyes.

8 By the way, what is Nan  
9 Malebranche's race?

10 MS. MASSIMI: Objection.

11 You can answer.

12 Q. If you know?

13 A. I am not sure. I don't want to  
14 assume.

15 Q. Have you ever met her?

16 A. Yes.

17 Q. Okay. But you don't know her  
18 race?

19 A. I don't want to assume.

20 Q. Okay. Do you know Lance Reyes'  
21 race?

22 A. He appears to be a black man.

23 Q. And he was the HR person?

24 A. Yes.

25 Q. By the way, did you know that

Page 66

1 [!WITNESS NAME]

2 Mr. Reyes was the HR advisor for that station  
3 while you were employed there?

4 A. Yes.

5 Q. When did you learn that?

6 A. I don't remember the exact date.

7 Q. Was it in 2017?

8 A. I am not sure. I don't remember  
9 so long ago.

10 Q. But you knew at some point during  
11 your employment with FedEx?

12 A. Yes.

13 Q. Okay. And before you were  
14 terminated from FedEx?

15 A. Yes.

16 Q. Have you ever spoken directly  
17 with Mr. Reyes prior to being terminated from  
18 FedEx?

19 A. No.

20 Q. Did you know how to contact him?

21 A. No. I just heard of his name.

22 We have changed HR people quite a  
23 few times.

24 Q. Okay. Where was it -- was there  
25 an HR person on site while you were there?

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1 [!WITNESS NAME]

2 A. No.

3 Q. So if you wanted to contact HR,  
4 how would you go about doing that?

5 A. I would ask management if they  
6 knew a number for me to contact the HR  
7 representative.

8 Q. Okay. And who in management  
9 would you ask?

10 A. Any manager would be able to  
11 provide that information.

12 Q. Did you ever ask any manager for  
13 HR's contact?

14 A. In regards to?

15 Q. For anything, while you employed  
16 with FedEx?

17 A. No.

18 Q. I have handed you a document that  
19 is the Acceptable Conduct Policy for FedEx.  
20 Do you see that?

21 A. Yes.

22 Q. And under the first narrative  
23 portion it says FedEx expects all employees  
24 to demonstrate the highest degree of  
25 integrity, responsibility and professional

1 [!WITNESS NAME]

2 conduct at all times. Do you see that?

3 A. Yes.

4 Q. By the way, we asked you in your  
5 interrogatories if you -- and request for  
6 production -- if you had any audio recordings  
7 of any of the discussions -- of any  
8 discussions that were relevant to the  
9 allegations in your complaint. I believe  
10 your answer was no.

11 Is that still your answer today?

12 A. I am sorry. Repeat the question.

13 Q. So did you -- ask you this way.

14 Did you -- do you have any audio  
15 recordings or video recordings of any of the  
16 incidents that you allege occurred in your  
17 complaint?

18 A. No.

19 Q. Okay. Just curious about that.

20 Thank you.

21 If you look down sort of towards  
22 the middle of the page, it says workplace  
23 violence. Do you see that?

24 A. Yes.

25 Q. It says work -- it says workplace

Page 69

1 [!WITNESS NAME]

2 violence, violent or threatening behavior is  
3 not tolerated in the workplace. Workplace  
4 violence is any behavior or action that puts  
5 someone in the state of fear or concern for  
6 their safety or the safety of other team  
7 members. Workplace violence can be physical,  
8 verbal or emotional in nature. Do you see  
9 that?

10 A. Yes.

11 Q. Did you understand that workplace  
12 violence was prohibited at FedEx, while you  
13 were there?

14 A. Yes.

15 Q. Do you recall receiving or  
16 reading this part of the policy, part of the  
17 handbook, when you received it in April of  
18 2017?

19 A. Yes.

20 Q. Did you read the entire  
21 Acceptable Conduct Policy?

22 A. Yes.

23 Q. All right. Thank you.

24 If you look down on the next  
25 page, it is about, let's see, one, two,

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1 [!WITNESS NAME]

2 three, four, five, six, seven, eight bullet  
3 points down.

4 MS. MASSIMI: Again, to be clear,  
5 you are referring to page 95 of Exhibit  
6 7?

7 MR. McGAHA: Yes.

8 MS. MASSIMI: The seventh bullet  
9 point?

10 MR. McGAHA: Yes.

11 Q. Starts with disruptive conduct.  
12 Do you see that?

13 MS. MASSIMI: Wait, sorry. That  
14 is eight. That is the eighth bullet  
15 point.

16 A. That is eight.

17 Q. Do you see the portion of the  
18 document that says disruptive conduct?

19 A. Yes.

20 Q. Okay. Disruptive conduct,  
21 including fighting while on duty or while on  
22 FedEx Express property or at company  
23 functions. All right.

24 Did you understand that to be  
25 prohibited at FedEx?

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1 [!WITNESS NAME]

2 A. Yes.

3 Q. And if you skip a bullet point,  
4 and go to the next one, starting with using  
5 violence, it says using violence,  
6 threatening, intimidating, coercive or  
7 abusive language, engaging in violent,  
8 threatening, intimating, coercive, or abusive  
9 behavior, or displaying blatant or public  
10 disrespect toward or about any employee,  
11 customer, vendor or member of the public  
12 while on duty on FedEx property or at offsite  
13 company meetings and functions.

14 Do you understand that to be  
15 prohibited by FedEx?

16 A. Yes.

17 Q. And then we skip to the next  
18 bullet point, there is another one, and then  
19 I guess two bullet points down, it says  
20 unprofessional, aggressive or rude conduct  
21 towards any customer while on duty or in a  
22 FedEx Express uniform. Does it say that?

23 A. Yes.

24 Q. Do you understand that to be  
25 prohibited?

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1 [!WITNESS NAME]

2 A. Yes.

3 Q. That is all I have for that one.

4 All right. I am going to hand  
5 you another document.

6 What I just handed you is a  
7 workday document.

8 Are you familiar with workday?

9 A. Yes.

10 Q. The workday?

11 A. Sounds familiar.

12 Q. The workday platform is a  
13 platform where sort of like general  
14 description of each employee, what their  
15 history has been, when they started, what  
16 their OLCC history and disciplinary history,  
17 so on and so forth.

18 Do you recall being acclimated or  
19 being familiarized with both workday while  
20 you were with FedEx?

21 A. Yes.

22 Q. If you look at the second page --  
23 and, by the way, this is -- if you look at  
24 the first page of this, is this -- is that  
25 your name at the very top, Kevin Campbell

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1 [!WITNESS NAME]

2 terminated, is that your employee number at  
3 the top?

4 A. Yes.

5 Q. If look at the second page of  
6 that document, it has manager history. Do  
7 you see that?

8 A. Yes.

9 Q. This is marked FEC-0002. It has  
10 your manager history.

11 If you look at, I guess, one,  
12 two, three, four columns over, under manager  
13 history Monty Bovell, terminated, and his  
14 employee number, it says managed from 6/16/20  
15 to 5/25/21. Do you see that?

16 A. Yes.

17 Q. Was Monty Bovell your manager, in  
18 fact, during that time?

19 A. Not the entire time.

20 Henry was also my manager.

21 Q. During the time it says managed  
22 from to managed to?

23 A. Yes.

24 Q. Henry Nunez is listed under  
25 Mr. Bovell. Do you see his name?

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1 [!WITNESS NAME]

2 A. Yes.

3 Q. It says from 4/2/2017 to  
4 6/15/2020. Is that what it says?

5 A. Yes.

6 Q. Does that sound about right, as  
7 far --

8 A. That sounds about right.

9 Q. Okay. And I believe you  
10 testified to this, but what is Mr. Nunez's  
11 race, as far as you know?

12 A. I don't want to make an  
13 assumption, but I would say, if I must,  
14 Hispanic.

15 Q. I believe that is what you  
16 alleged in your complaint, that he is  
17 Hispanic. Is that your understanding today?

18 A. Yes.

19 Q. And Mr. Bovell, what is his race,  
20 as far as you know?

21 A. Black.

22 Q. He was your direct manager,  
23 correct, from approximately June 6, 2020  
24 until the day you were terminated?

25 A. Yes.

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1 [!WITNESS NAME]

2 Q. Did you see him every day when  
3 you were at work?

4 A. Who are we referring to?

5 Q. Thank you for clarifying.

6 Let's start with Mr. Nunez.

7 When Mr. Nunez was your manager,  
8 how often did you see him?

9 A. Every day --

10 Q. Okay.

11 A. -- that I worked and he worked.

12 Q. And you were a full-time  
13 employee; is that correct?

14 A. Yes.

15 Q. How many days a week did you  
16 work?

17 A. Five.

18 Q. And you saw him, you said, every  
19 day that you worked?

20 A. Yes.

21 Q. So, approximately, how many hours  
22 per week did you work, on average?

23 A. At least 35 hours.

24 Q. Okay. All right.

25 And when Mr. Bovell became your

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1 [!WITNESS NAME]

2 manager, were you still a full-time employee?

3 A. Yes.

4 Q. About the same schedule that you  
5 had before Mr. Nunez was your supervisor?

6 A. No.

7 Q. How did your schedule change with  
8 Mr. Bovell?

9 A. They began to start cutting my  
10 hours.

11 Q. After Mr. Bovell?

12 A. Management, I don't know who was  
13 responsible, but my hours started to get cut.

14 Q. When you say your hours started  
15 to get cut, how were they cut? How did they  
16 change?

17 A. They would tell me I would need  
18 to finish my route faster than normal. I  
19 need to get back into the building, and I  
20 needed to punch out early.

21 Q. Who is they?

22 A. Management.

23 Q. Who in management told you that?

24 A. Monty, Henry. Anyone that had  
25 authority over me, they wanted me off the

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1 [!WITNESS NAME]

2 road early, because I didn't drive.

3 Q. And when did this start  
4 happening?

5 A. It happened a few times over the  
6 years that I was there. It kind of depended  
7 on the mood of the managers.

8 Maybe if it was a lot of work,  
9 they would allow me to stay longer, but for  
10 the most part, they always wanted me off the  
11 road early.

12 Q. I asked you when it started, I  
13 didn't ask you how many times it started.

14 A. 2018.

15 Q. During the time that Monty Bovell  
16 was your manager, who was your supervisor?

17 A. Monty was my manager in 2020.

18 Q. Okay. So Henry Nunez was your  
19 manager at the time?

20 A. Yes.

21 Q. I thought you testified earlier  
22 that when I asked you about Monty, you said  
23 then they started cutting my hours.

24 So when did they start cutting  
25 your hours? Who was your manager at the time

Page 78

1 [!WITNESS NAME]

2 they started cutting your hours?

3 A. Henry Nunez.

4 Q. You don't know who cut your  
5 hours, you said, right?

6 A. No.

7 Q. You said it happened a few times?

8 A. Yes.

9 Q. So you worked from 35 hours in  
10 these few instances to how many hours?

11 A. It varies.

12 Q. Okay. All right. We are done  
13 with that one.

14 All right. Do you see the  
15 document that is in front of you?

16 A. Yes.

17 Q. What does it appear to be?

18 A. Complaint.

19 MR. McGAHA: I am going to mark  
20 this as Exhibit 9, please.

21 Q. Is this the complaint that you  
22 filed against FedEx and Mr. Eric Wanders?

23 A. Yes.

24 Q. If you turn with me to --

25 MS. MASSIMI: This is the



1 [!WITNESS NAME]

2 complaint that was filed to initiate  
3 this lawsuit, not the GFT form, just for  
4 the record.

5 MR. McGAHA: Yes.

6 Q. It is the complaint that you  
7 filed against FedEx and Mr. Eric Wanders in  
8 Federal Court here in New York; is that  
9 right?

10 A. Yes.

11 Q. Case Number 1- -- 1-22-cv-07663  
12 DLI, and then MMH?

13 A. Yes.

14 Q. If you will look with me at  
15 paragraph 15, which is on page 2, bottom of  
16 page 2, it says Bovell, Ontaneda, Bradley,  
17 Pasqualicchio, Mejia and Wanders had  
18 supervisory authority over Plaintiff, and had  
19 the authority to change the terms and  
20 conditions of Plaintiff's employment up to  
21 and including terminating plaintiff's  
22 employment.

23 Eric Wanders had final decision  
24 making authority over the decision to  
25 terminate employees, and upon information and

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1 [!WITNESS NAME]

2 belief made the final decision to terminate  
3 Plaintiff's employment.

4 Are you saying that Wanders could  
5 terminate you on his own, without any input  
6 from anyone else?

7 MS. MASSIMI: Objection.

8 You can answer the question.

9 A. As far as I am aware, he would  
10 have the final say, because he was the senior  
11 manager.

12 Q. Okay. What gives you that  
13 impression? Why do you believe that?

14 A. The senior manager is in charge  
15 of the station.

16 Q. Do you know what the termination  
17 procedures are at FedEx?

18 A. No.

19 Q. Paragraph 22, it says in 2018,  
20 Nunez began cutting Campbell's hours without  
21 legitimate explanation, to the detriment of  
22 Campbell and other workers, since there was a  
23 great deal of work to complete. Do you see  
24 that?

25 A. Yes.

1 [!WITNESS NAME]

2 Q. Who were the other workers you  
3 are referring to?

4 A. I had other workers on my belt,  
5 but I was specifically speaking about the guy  
6 that I worked with, Nico.

7 Q. Okay. Who is Nico?

8 A. Nico is the driver that I worked  
9 with on a day-to-day basis.

10 Q. So they cut his hours, as well?

11 A. They cut my hours.

12 Q. But your allegation here is that  
13 to the detriment of Campbell and other  
14 workers, since there was a great deal of work  
15 to complete. You appear to be alleging that  
16 they cut your hours and other peoples' hours?

17 MS. MASSIMI: No. Objection.

18 MR. McGAHA: Excuse me? Excuse  
19 me?

20 MS. MASSIMI: Objection.

21 MR. McGAHA: Excuse me? He --  
22 look.

23 MS. MASSIMI: Objection. That is  
24 not what that says.

25 MR. McGAHA: Can we go off the

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1 [!WITNESS NAME]

2 record?

3 MS. MASSIMI: I would prefer to  
4 stay on the record, if that is okay.

5 MR. McGAHA: Fine.

6 MS. MASSIMI: Great.

7 MR. McGAHA: Ms. Massimi, I have  
8 been very, very patient and lenient with  
9 you so far about testifying for your  
10 client. Please don't do that anymore.

11 I am asking your client  
12 questions. This is being video  
13 recorded. We need to produce it to the  
14 court we can. I hope I don't have to do  
15 that.

16 But I am asking you please do not  
17 testify for your client. If he does not  
18 know the answer to the question, he can  
19 say, I don't know the answer.

20 If he doesn't understand a  
21 question, he can say, I don't understand  
22 the question.

23 If you object, you just make an  
24 objection on the record. Please don't  
25 make any more speaking objections.

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1 [!WITNESS NAME]

2 MS. MASSIMI: Are you --

3 MR. McGAHA: Please don't  
4 characterize my question to your client.

5 MS. MASSIMI: Are you done?

6 MR. McGAHA: Please allow your  
7 client to answer the question without  
8 you speaking before he gets a chance to.

9 MS. MASSIMI: Are you done?

10 MR. McGAHA: I am not done.

11 MS. MASSIMI: When you are done,  
12 let me know, because I am going to  
13 respond.

14 MR. McGAHA: All right.

15 If you don't do that, we are  
16 going to have to end the deposition. I  
17 am going to have to come back.

18 We are going to have to go before  
19 the court. The court is going to have  
20 to intervene.

21 I am going to ask for my fees for  
22 having to travel to New York to take  
23 this deposition of your client and you,  
24 because you are testifying for him.

25 So please refrain from answering

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1 [!WITNESS NAME]

2 questions for your client or  
3 characterizing my question to him.

4 The question doesn't make sense,  
5 if he doesn't know the answer, he can  
6 say that, not you.

7 I am done.

8 MS. MASSIMI: Okay.

9 MR. McGAHA: For now.

10 MS. MASSIMI: Mr. McGaha, your  
11 threats are empty.

12 If you would like to call the  
13 court and have the court intervene now,  
14 you may do so.

15 MR. McGAHA: We might have to do  
16 that.

17 MS. MASSIMI: Mr. McGaha, I  
18 allowed you to make your speech.

19 Please let me respond, so that  
20 the record can be clear.

21 There is no reason for you to  
22 have been patient or lenient with us.

23 The witness is here answering all  
24 of your irrelevant questions, and he is  
25 going to continue to do so.

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1 [!WITNESS NAME]

2 What he is not going to do, and  
3 what I am not going to allow, is for you  
4 to mischaracterize his complaint and  
5 insult our intelligence. That is not  
6 going to happen.

7 You may proceed now.

8 Q. Mr. Campbell, paragraph 22 says  
9 in 2018, Nunez began cutting Campbell's hours  
10 without legitimate explanation, to the  
11 detriment of Campbell and other workers,  
12 right? Is that what it says?

13 A. Yes.

14 Q. So you appear to be alleging here  
15 that your hours were cut, and that other  
16 employees' hours were cut. That is what you  
17 are alleging here, yes or no?

18 MS. MASSIMI: Objection.

19 You can answer the question.

20 A. My hours were cut and affected --

21 Q. That is a yes or no question.

22 MS. MASSIMI: Mr. McGaha, do  
23 not -- Mr. McGaha, do not interrupt the  
24 witness.

25 MR. MCGAHA: I am going to allow

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1 [!WITNESS NAME]

2 the witness to make statements and  
3 answer questions that I did not ask.

4 MS. MASSIMI: He is not doing  
5 that.

6 MR. McGAHA: Unless we are going  
7 to be here all today.

8 MS. MASSIMI: Mr. McGaha, you  
9 have already threatened for us to be  
10 here all day.

11 MR. McGAHA: I am not --

12 MS. MASSIMI: Mr. McGaha, all you  
13 are doing is making empty threats.

14 You are not permitted to  
15 interrupt him. Now that is a concrete  
16 basis for us to call the court.

17 Do not interrupt the witness. He  
18 is answering your question. You don't  
19 like his answer.

20 Q. Mr. Campbell, I asked you a yes  
21 or no question, please answer the question  
22 yes or no.

23 If you need to elaborate, you are  
24 more than welcome to do that. Does that make  
25 sense?

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1 [!WITNESS NAME]

2 MS. MASSIMI: Objection.

3 Q. Does that make sense,

4 Mr. Campbell?

5 MS. MASSIMI: Objection. That is  
6 not permitted.

7 He is -- the governing rule is  
8 that he has to answer questions  
9 honestly, which is what he is doing.

10 MR. McGAHA: We are going to go  
11 off the record.

12 MS. MASSIMI: I would like to  
13 stay on the record.

14 MR. McGAHA: We are going to call  
15 the judge.

16 MS. MASSIMI: Oh, we have to be  
17 on the record for that.

18 MR. BRODSKY: Do you need to be  
19 on the video record, Counsel?

20 MS. MASSIMI: It just needs to be  
21 taken down by the court reporter.

22 MR. BRODSKY: Right.

23 So we can go off video.

24 So the time is 11:25. We are off  
25 the record.

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1 [!WITNESS NAME]

2 (Whereupon, we are off the video  
3 record, however, stenographic notes will  
4 be taken in reference to contacting the  
5 court.)

6 MS. MASSIMI: I think the witness  
7 needs to step out while we are  
8 discussing this with the court.

9 Does anyone object to that?

10 MR. McGAHA: I don't have any  
11 objection to that.

12 MS. MASSIMI: Do you mind  
13 waiting?

14 Don't leave the building.

15 THE WITNESS: No, no. I am just  
16 to go get some water.

17 THE COURT CLERK: You have  
18 reached chambers.

19 MR. McGAHA: This is Gabriel  
20 McGaha. I am here with Jessica Massimi.  
21 We have a case before Judge Henry, and  
22 we are in a deposition, and have a  
23 conflict, and wanted to see if we can  
24 potentially get the judge on the phone.

25 THE COURT CLERK: She is in --

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1 [!WITNESS NAME]

2 give me one second.

3 What is the case number?

4 MR. McGAHA: By the way, we are  
5 on the record, just so you know.

6 The case number is 11-cv-07662.

7 THE COURT CLERK: 22-cv-07662?

8 MR. McGAHA: Yes.

9 THE COURT CLERK: Campbell versus  
10 Federal Compress Corporation?

11 MR. McGAHA: That is correct.

12 THE COURT CLERK: You are in a  
13 deposition, and you are having a  
14 conflict?

15 MR. McGAHA: Yes.

16 If you need more detail, I can  
17 give that to you.

18 MS. MASSIMI: And I am happy to  
19 give detail to essentially, Mr. McGaha  
20 is interrupting the witness --

21 MR. McGAHA: Excuse me?

22 MS. MASSIMI: -- as he is  
23 testifying.

24 THE COURT CLERK: Who is  
25 interrupting who?

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1 [!WITNESS NAME]

2 MS. MASSIMI: Mr. McGaha, Defense  
3 counsel, is interrupting the witness as  
4 he is attempting to testify.

5 MR. MCGAHA: And that is  
6 obviously not --

7 THE COURT CLERK: Hold on one  
8 second.

9 MS. MASSIMI: No, that is why we  
10 are calling the court right now.

11 THE COURT CLERK: Who is the  
12 witness?

13 MS. MASSIMI: The plaintiff,  
14 Kevin Campbell.

15 Mr. McGaha, if you can move that  
16 phone so that it is between us, since  
17 you called from a personal cell.

18 THE COURT REPORTER: I will not  
19 be able to hear her.

20 MS. MASSIMI: Are you able to  
21 hear me, ma'am?

22 THE COURT CLERK: I can hear you.

23 MS. MASSIMI: Okay, great.

24 THE COURT CLERK: Counsel, please  
25 hold.

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1 [!WITNESS NAME]

2 Thank you for holding.

3 Q. Thank you.

4 THE COURT CLERK: Judge Henry is  
5 in a hearing.

6 Can you call back in about 20 to  
7 30 minutes?

8 MR. McGAHA: Sure.

9 THE COURT CLERK: Thank you.

10 MR. McGAHA: All right. Thank  
11 you.

12 MS. MASSINI: Are we taking a  
13 break now?

14 MR. McGAHA: Yes, we are taking a  
15 break.

16 MS. MASSINI: How long do you  
17 want to take, five minutes?

18 MR. McGAHA: Yes.

19 (Whereupon, a short recess was  
20 taken at 11:37 a.m., and testimony  
21 resumed at 11:44 m.)

22 MR. BRODSKY: The time is 11:44.  
23 We are on the record.

24 Q. All right. Mr. Campbell, before  
25 we went on break I was asking you about

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1 [!WITNESS NAME]

2 paragraph number 22 of the document in front  
3 of you, which is the complaint that you  
4 filed. This is a document that has been  
5 marked as Exhibit 9. Do you see that?

6 A. Yes.

7 Q. Okay. I ask you a yes or no  
8 question. I ask so I understand what your  
9 allegations are in the complaint, whether or  
10 not the hours that you worked, that changed,  
11 that you say changed and that were cut, is  
12 the word that you said -- your hours were  
13 cut, and that it was to the detriment of you  
14 and other workers.

15 Can you explain what you mean by  
16 that, that it was to the detriment of you and  
17 other workers?

18 A. Yes. The hours that were taken  
19 from me affected me and my co-worker Nico,  
20 who did the mall.

21 Q. Can you explain how they affected  
22 you and your co-worker Nico?

23 A. The mall was a big workload, so  
24 taking me off the route early affected Nico  
25 and me, because I wasn't making a certain

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1 [!WITNESS NAME]

2 amount of money, and he had more work to do  
3 by himself.

4 Q. So when they cut your hours, how  
5 did your job -- how did your day-to-day with  
6 Nico change? Can you give me an example of  
7 how it worked prior to your hours being cut,  
8 how y'all worked together prior to your hours  
9 being cut, versus how you worked together  
10 after your hours were cut what changed?

11 A. The things that changed, I would  
12 go out with Nico, and we would do the entire  
13 route, and then when he punched out, I would  
14 punch out.

15 The things that changed is Henry  
16 would come and pick me up around lunchtime.  
17 He would pick me up early, and then Nico  
18 would finish the route without the mall, so  
19 essentially I was only there just to help  
20 with the mall on the route.

21 Q. How many stops did you have with  
22 Nico prior to your hours being cut?

23 A. It ranged. If it was a Monday,  
24 maybe around 120 stops. The rest of the  
25 week, maybe around 90 stops.

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1 [!WITNESS NAME]

2 Q. Was the mall one of the stops one  
3 of 120 stops that you made?

4 A. Yes.

5 Q. So relative to the other stops,  
6 did the mall take more time than the other  
7 stops did?

8 A. Yes.

9 Q. Okay. How long was your shift?  
10 First of all, how many hours per  
11 day did you typically work?

12 A. Eight hours minimum, but most  
13 every time we would do overtime also.

14 Q. So around at least eight hours,  
15 correct?

16 A. Yes.

17 Q. You said the -- and you had about  
18 120 stops, did you say that?

19 A. Roughly.

20 Q. And the mall was one of the 120  
21 stops; is that right?

22 A. Yes.

23 Q. And how long did it take to do  
24 the mall stop?

25 A. It varied on the workload.



1 [!WITNESS NAME]

2 Q. Okay. Can you give me an  
3 estimate how long it typically took?

4 A. Maybe three, four hours.

5 Q. Okay. So you have an eight-hour  
6 shift, about 120 stops, and one of the stops  
7 took almost half the time, half of the shift;  
8 is that right?

9 A. Yes.

10 Q. Okay. All right. After your  
11 hours were cut, did you do all of the other  
12 stops other than the mall with Nico, or did  
13 you do the mall, and then you didn't assist  
14 him with the other 119 stops, roughly?

15 A. I am sorry. Can you rephrase the  
16 question --

17 Q. So you said that --

18 A. -- it sounds like you are asking  
19 two questions.

20 Q. Okay. So you said that -- thank  
21 you for clarifying -- for asking me to  
22 clarify. I would be glad to do so.

23 So you said that you had about  
24 120 stops. One of the 120 stops was the  
25 mall, that is in roughly an eight-hour shift

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1 [!WITNESS NAME]

2 per day, and that the mall stop was about  
3 half, roughly, of the shift. You spent about  
4 a half of your shift at the mall when you  
5 first started with Nico. You said then your  
6 hours were cut at some point, you said in  
7 2018; is that right?

8 A. Yes.

9 Q. And you said that when they were  
10 cut, Henry would come and pick you up at  
11 lunch, I think you said?

12 A. Uh-huh.

13 Q. So once your hours were cut, how  
14 many of those 120 stops were you making with  
15 Nico versus how many you were making before?

16 A. I would only do the mall with  
17 Nico. And the mall is considered one stop,  
18 even though it is multiple stores.

19 Q. Gotcha.

20 A. Give or take the three or four  
21 hours is on a bad day, but there is times  
22 when you are done with the mall earlier.

23 Q. Understood.

24 So are you saying that after your  
25 hours were cut, you would still assist Nico

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1 [!WITNESS NAME]

2 with the mall, but not the other stops?

3 A. We would do the mall first, so  
4 after the mall would be completed, Henry  
5 would come and get me.

6 Q. Gotcha. And Nico would go and do  
7 the rest of the route by himself?

8 A. Yes.

9 Q. Okay. And how did that affect  
10 Henry -- excuse me, Nico's hours?

11 A. I am not sure. I never spoke to  
12 Nico about his hours.

13 Q. Okay.

14 A. That is not something we talked  
15 about.

16 Q. Okay. So when you say to the  
17 detriment of Campbell and other workers, are  
18 you saying that it was just the cutting of  
19 your hours, because your hours were cut, that  
20 was detrimental to Nico?

21 A. Yes, because Nico had to take on  
22 the rest of the route himself.

23 And I was placed with Nico to  
24 assist him, and I was also full-time, and I  
25 randomly got my hours cut.

1 [!WITNESS NAME]

2 Q. Okay. But you don't know whether  
3 or not that made Nico have to work a longer  
4 shift, is that what you testified to, because  
5 you said you didn't know how his hours were  
6 affected?

7 A. I don't know his hours.

8 I know that he worked harder. He  
9 complained to it -- he complained to me  
10 multiple times about how hard he had to work  
11 without me.

12 Q. Okay. Did anyone explain to you  
13 why your hours were cut?

14 A. Yes. They told me my hours were  
15 cut because I wasn't a driver.

16 Q. Who is they?

17 A. Henry Nunez.

18 Q. Okay. You testified earlier you  
19 are not sure who cut your hours.

20 Do you know who cut your hours?

21 A. Henry Nunez cut my hours.

22 Q. He is the person who cut your  
23 hours?

24 A. More than -- I said I don't know  
25 who in terms of whose idea it was, but the

1 [!WITNESS NAME]

2 person who cut my hours was Henry Nunez.

3 Q. Okay.

4 A. Let me clarify that.

5 Q. Do you know why Henry Nunez cut  
6 your hours?

7 A. The real reason, or what he told  
8 me?

9 Q. Either one. Do you know why --  
10 Well, I will ask you both  
11 questions.

12 A. Yeah.

13 Q. Why did he tell you that he cut  
14 your hours?

15 A. I feel like he needed an  
16 explanation.

17 Q. And I am not asking what you  
18 felt, I asked you what he told you.

19 A. He told me I wasn't a driver, so  
20 I am not supposed to stay on the road for  
21 that long.

22 Q. And you don't know -- did he tell  
23 you that he had been told that by someone  
24 else, or did you ask -- did you ask him what  
25 changed, if he had been notified of that by

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1 [!WITNESS NAME]

2 someone else, that you couldn't be on the  
3 road, because you were on the road prior,  
4 when you first started, right?

5 Do you know, or did you discuss  
6 with him, what had changed, or if he had  
7 gotten some directive from someone else that  
8 you were not supposed to be on the road?

9 A. No.

10 Q. So you didn't ask him to  
11 elaborate what he meant by that?

12 A. No. He was a manager, so I just  
13 listened to him.

14 Q. Okay. All right.

15 So he told you that he cut your  
16 hours because you weren't supposed to be on  
17 the road, but you weren't a driver, right?

18 A. He never said I wasn't supposed  
19 to be on the road, he just stated that I  
20 shouldn't be on the road for a full eight  
21 hours because I don't drive.

22 Q. Gotcha. Were you all the only  
23 two, you and Nico, people tandem, that you  
24 knew of at the LGA station who had two people  
25 on the road with one truck?

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1 [!WITNESS NAME]

2 A. Yes.

3 Q. Is there reason why you didn't  
4 have your -- did you not have a license? Is  
5 that why you weren't a driver?

6 A. Yes.

7 Q. So you did not have a license; is  
8 that correct?

9 A. Yes.

10 Q. Why didn't you have a license?

11 A. Never felt the need to own a car.  
12 I live in New York City.

13 Q. That was not a requirement at  
14 TNT, I am assuming?

15 A. No.

16 Q. Obviously, okay.

17 And when you were hired at FedEx,  
18 did anyone tell you that you needed to get a  
19 license?

20 A. No.

21 Q. In order to be -- no one told you  
22 you needed to get a license?

23 A. No.

24 Q. Did you ever consider getting a  
25 license, while you were employed with FedEx?

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1 [!WITNESS NAME]

2 A. I actually did get my license.

3 Q. While you were employed with  
4 FedEx?

5 A. Yes, sir.

6 Q. How did -- did that change your  
7 title from not in DOT non-driver to DOT  
8 driver?

9 A. No. I didn't make it that far.

10 Q. When did you get your license?

11 A. In 2018, I believe.

12 Q. You got your license in 2018.

13 Did you ever drive a truck?

14 A. At FedEx?

15 Q. Yes.

16 A. No.

17 Q. Why not?

18 A. They told me I needed to have a  
19 clean license for three years for them to  
20 consider me to become a driver.

21 Q. Got it.

22 So the only courier position that  
23 you could take would be a position where you  
24 weren't a driver, and you had to assist the  
25 driver; is that right?

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1 [!WITNESS NAME]

2 A. Yes.

3 Q. And you don't know -- you don't  
4 know of any other instances where this FedEx  
5 has done this at LGA station, allowed someone  
6 to be a courier without a license, correct?

7 A. No, not to my knowledge.

8 Q. Okay. All right.

9 And you said that he told you  
10 they cut your hours because you were not  
11 driving, but you also stated that you felt  
12 there was a different reason why he cut your  
13 hours; is that right?

14 A. Yes.

15 Q. Why do you think he cut your  
16 hours?

17 A. I believe Henry Nunez cut my  
18 hours because I was black, and there were  
19 certain things about me that he did not like.

20 Q. Let's start with the first one.

21 Why do you believe he cut your  
22 hours because you were black?

23 A. He would often say things on the  
24 belt about black people, and a lot of us  
25 would just turn our face away from it and

1 [!WITNESS NAME]

2 just ignore it. He would pass it off as  
3 jokes.

4 Q. Who were these individuals who  
5 were on the belt with you who would have  
6 witnessed this?

7 A. People like Nico, Corredo  
8 (phonetic).

9 Q. Can you give me full names, if  
10 you can, please?

11 A. I don't remember these  
12 gentlemen's last names.

13 Q. You don't remember Nico's last  
14 name?

15 A. His first name Enrique Navas.  
16 His last name is Navas.

17 Q. Is Nico a nickname?

18 A. Yes. Enrique is his real name.  
19 I am sorry, I just couldn't remember his full  
20 name.

21 Q. And who else?

22 A. Johnny December.

23 Q. December, like the month?

24 A. Yes. And Corredo, I am not sure  
25 if that is his first name or last name, but

1 [!WITNESS NAME]

2 that is who.

3 Q. Corredo?

4 A. Corredo. I don't know how to  
5 spell it.

6 Q. These were individuals who  
7 witnessed --

8 A. There is multiple. Adamel  
9 Spencer, he has been a part of the listening  
10 and hearing him say stuff like that.

11 Q. Okay.

12 THE COURT REPORTER: I am sorry,  
13 repeat the last part. I can't hear you.  
14 You are trailing off.

15 THE WITNESS: I am sorry. I am  
16 getting choked up. Sorry.

17 A. Adamel Spencer would also hear  
18 Henry say saying things about black people  
19 and try to pass it off as a joke. And he  
20 would also be uncomfortable with the things  
21 that were being said.

22 Q. Adam Spencer?

23 A. Adamel Spencer.

24 Q. So anyone else that you can  
25 recall today?

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1 [!WITNESS NAME]

2 A. Not at this current time.

3 Q. Enrique, Nico Navas, Johnny  
4 December, a Corredo and Adam Spencer.

5 Did I miss anyone?

6 A. That is what comes off the top of  
7 my head right now, yes.

8 Q. Do you know any of their races?

9 A. Johnny December is Caucasian.  
10 Adamel Spencer is black. Nico, I am not  
11 sure, but I think he is half Italian. And  
12 Corredo is from the Philippines.

13 Q. He would say things only about  
14 black people that were jokes or would he make  
15 jokes about other races as well?

16 A. He would just target black  
17 people.

18 Q. How often did he do this?

19 A. A few times a week.

20 Q. Give me an example of some of the  
21 things he said?

22 A. Black people are lazy, y'all  
23 don't like working, things of that nature.

24 Q. And he would say this a few times  
25 a week?

1 [!WITNESS NAME]

2 A. Yes.

3 Q. And did you ever report this to  
4 anyone?

5 A. Yes, Eric Wanders.

6 Q. How many times did you report  
7 this to Eric Wanders?

8 A. The first time it happened, the  
9 very first time it happened.

10 Q. Do you recall when that was?

11 A. Sometime in 2018, maybe around  
12 the summertime.

13 Q. Okay. I think we are going to  
14 get to that later on in the complaint, so we  
15 can talk about that then.

16 But after the first time that you  
17 mentioned it to Eric Wanders, did you mention  
18 it to Eric Wanders ever again?

19 A. No.

20 Q. And did you mention it to anyone  
21 other than Eric Wanders?

22 A. No.

23 Q. Why not?

24 A. Because Eric is my senior  
25 manager, and as far as I was concerned, he

1 [!WITNESS NAME]

2 would have my back and handle the situation  
3 and make me feel safe.

4 Q. Okay. Did you speak with any  
5 other employees about this incident, not to  
6 report it, necessarily, but just to talk  
7 about the fact that you felt uncomfortable  
8 with him making these jokes?

9 A. I didn't get a chance to speak to  
10 anyone after that situation, because I went  
11 on the road.

12 And then Eric had Henry come and  
13 meet me to apologize, and they both told me  
14 not to write a statement.

15 Q. Okay. I want to make sure I get  
16 all this.

17 The first time it occurred, you  
18 notified Eric Wanders, correct?

19 A. Yes.

20 Q. And you said that Eric Wanders --  
21 do you know if Eric Wanders approached Henry  
22 Nunez about this, or asked him about what you  
23 had reported to him?

24 A. I am pretty sure he did, because  
25 he told Henry to go make it right.

1 [!WITNESS NAME]

2 Q. How soon after you reported this  
3 to Eric Wanders did Henry Nunez approach you  
4 to apologize?

5 A. Maybe about two hours after.

6 Q. Okay. And when he approached  
7 you, what did he say?

8 A. He said that he didn't mean it  
9 like that. He has black friends.

10 He started to tear up. He made  
11 it very believable. I actually believed him.

12 Q. And did anyone witness this?

13 A. No. It was just me and Henry in  
14 the van.

15 Q. In the van?

16 A. Yeah. He came to the mall in a  
17 van, and he asked me to come sit in the van  
18 with him.

19 Q. Okay. Did he come to the mall  
20 just to make this apology to you?

21 A. Yes.

22 Q. How long was the conversation?

23 A. About 10, 15 minutes.

24 Q. What did you express to him  
25 during that conversation?

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1 [!WITNESS NAME]

2 A. I expressed to him that everybody  
3 makes mistakes. I understand, you know,  
4 maybe he might have been joking, but it was  
5 highly offensive.

6 And he apologized.

7 Q. You said he teared up? That is  
8 what you said?

9 A. That is what he did, yes.

10 Q. And after that conversation, did  
11 you believe that the conduct would change,  
12 that Henry Nunez would change the way he had  
13 made jokes in the past?

14 A. Yes. I believed that he would  
15 genuinely change, because miraculously, after  
16 that incident, my hours were back to normal.

17 Q. Did you all discuss your hours  
18 during that discussion?

19 A. No, we didn't. He just made it  
20 known that you don't have to worry about  
21 that, me coming to get you off the road  
22 early. It is okay.

23 Q. All right. So how soon after  
24 this incident did you hear another joke?

25 A. From Henry?



1 [!WITNESS NAME]

2 Q. Yes.

3 A. I don't remember. I can't  
4 remember anything right after. Everything  
5 was normal for a while.

6 Q. Let me back up a little bit.  
7 Were you satisfied with the way  
8 that that issue was handled?

9 A. I felt like it was handled in a  
10 professional manner, and I felt like it was  
11 sincere, at the time, yes.

12 Q. So did you believe that Eric  
13 Wanders did what he was supposed to do to  
14 rectify the situation from Henry Nunez -- the  
15 joke, the inappropriate jokes?

16 A. I think Eric did what he needed  
17 to do to make it go away.

18 Q. Okay. What do you mean by that?

19 A. I believe Eric didn't want me to  
20 cause any issues for the station.

21 Q. Why do you think that?

22 A. Because so many things happened  
23 since then.

24 Q. I am asking what your thoughts  
25 were at the time, not in hindsight.

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1 [!WITNESS NAME]

2 At the time, did you believe that  
3 Eric Wanders handled the situation  
4 appropriately?

5 A. Yes.

6 Q. All right. So did you ever speak  
7 with Adam Spencer about it?

8 A. Adamel Spencer?

9 Q. Yes.

10 A. Speak to him about what,  
11 specifically?

12 Q. Well, I am curious, because you  
13 named him as one of these four people who  
14 have heard Henry making these jokes, and you  
15 said he is also African American.

16 A. Yes.

17 Q. Did you ever speak to him about  
18 what he thought about these jokes being made?

19 A. Of course.

20 A lot of the black employees on  
21 the belt would have conversations about  
22 things that are inappropriate all the time,  
23 but no one was brave enough to say anything  
24 about it.

25 Q. Like who? Who are some of the

1 [!WITNESS NAME]

2 other black employees?

3 A. I don't remember all these  
4 peoples' names. I am so sorry. It has been  
5 so long ago.

6 Q. Okay.

7 A. So long.

8 Q. Okay. So do you know whether or  
9 not anyone ever reported these jokes being  
10 made?

11 A. Not to my knowledge, no.

12 Q. And you did report the first  
13 time, and Eric Wanders had Henry Nunez  
14 apologize to you.

15 Do you know whether or not Henry  
16 Nunez received any sort of counseling or  
17 anything?

18 A. No.

19 Q. Did Henry Nunez explain to you  
20 that he was not intending to make any racial  
21 joke -- let me back up.

22 Did Henry Nunez tell you that he  
23 was not intending to offend you, when he made  
24 the joke?

25 A. Yeah. I explained that earlier.

1 [!WITNESS NAME]

2 He said that he has black  
3 friends, and he didn't mean to come off like  
4 that.

5 And I also explained to him that  
6 it was offensive.

7 Q. Okay. Got it.

8 And you said you don't remember  
9 when Nunez made another joke that you found  
10 offensive after that, you don't know how  
11 long?

12 A. In terms of proximity of the last  
13 incident?

14 Q. Yes.

15 A. Not off the top of my head. No,  
16 not right away.

17 No, I can't remember a time  
18 that -- after the situation, everything was  
19 normal after that --

20 Q. Okay.

21 A. -- for a while. There is a gap.

22 Q. Okay. You said but at some point  
23 he told another joke that you found  
24 offensive, did you say, or was that the only  
25 time that happened?

1 [!WITNESS NAME]

2 A. Henry says a lot of inappropriate  
3 things. I can't sit here and tell you every  
4 single thing that he said that is  
5 inappropriate in terms of race, sex, gender,  
6 in terms of that nature.

7 Q. What I am trying to get at and  
8 understand is if you believe that the first  
9 time that you reported the incident, that it  
10 was handled by Eric Wanders, can you explain  
11 to me why, when it occurred again, you  
12 decided not to report it?

13 A. So a lot of the time when these  
14 racist actions take place, managers are  
15 aware, and they are present. And instead of  
16 sticking up for you and doing the right  
17 thing, they minimalize it and make it into  
18 something very small, and they try to make  
19 you feel like you are the problem for wanting  
20 to speak up for yourself.

21 Q. Where did you get this  
22 impression?

23 A. The day-to-day in that workplace,  
24 that is where I got that impression.

25 The nature, it is like a boys

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1 [!WITNESS NAME]

2 club. If you go against the boys club, that  
3 is the nature of that station.

4 Q. Okay. So you chose not to report  
5 it because on -- the second time, you chose  
6 not to report the next time you heard a joke  
7 that you found offensive because you thought  
8 that nothing would be done about it?

9 MS. MASSIMI: Objection.

10 You can answer the question.

11 A. The first time I tried to file a  
12 complaint, I was told not to write a  
13 statement.

14 Q. I am talking specifically about  
15 this particular occurrence.

16 A. I just want to answer the  
17 question truthfully.

18 Q. Okay.

19 A. The first time I made a  
20 complaint, I was told not to write a  
21 statement.

22 There were other --

23 Q. Complain about what? Complaint  
24 about the jokes?

25 A. They were not jokes, to me.

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1 [!WITNESS NAME]

2 Q. The statement that Henry Nunez  
3 had made, is that what you mean by the first  
4 time?

5 A. Yes.

6 Q. Because I am confused now,  
7 because I asked you about the first time that  
8 this happened. This was paragraph -- well,  
9 you said that this was -- you had said Henry  
10 Nunez made a joke, and that the first time  
11 you heard it --

12 A. It wasn't a joke.

13 MS. MASSIMI: Yeah.

14 Q. You said that Henry Nunez made a  
15 statement that he believed was a joke --

16 A. Yes.

17 Q. -- And that you found offensive?

18 A. Yes.

19 Q. You said the first time this  
20 occurred --

21 A. Uh-huh.

22 Q. -- you reported to Eric Wanders,  
23 correct?

24 A. Yes.

25 Q. And you said that it occurred at

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1 [!WITNESS NAME]

2 some point, and that Eric Wanders had Henry  
3 Nunez apologize to you, correct?

4 A. Yes.

5 Q. And that at point, it happened  
6 again, right?

7 A. Yes.

8 Q. Now, I was trying to find out why  
9 you did not report the second incident, since  
10 the first incident had been addressed?

11 A. Uh-huh.

12 MS. MASSIMI: Objection.

13 Q. But then you started talking  
14 about --you said the first time you made the  
15 complaint, nothing happened?

16 MS. MASSIMI: Objection.

17 You can answer the question. You  
18 can answer the question.

19 A. When I said nothing happened, I  
20 mean that I wasn't able to form any documents  
21 and express how I felt in a statement on  
22 paper. That is what I meant.

23 Q. Why weren't you able to do that?

24 A. They told me not to. Both of  
25 them told me not to write a statement.

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1 [!WITNESS NAME]

2 Q. So when you went to Eric Wanders  
3 and asked him and told him about what Henry  
4 Nunez had said, what did Eric Wanders say to  
5 you?

6 A. Can I say what he exactly said?

7 Q. Absolutely.

8 MS. MASSIMI: Yes.

9 A. He said, quote, why the fuck  
10 would Henry do that? He should know better  
11 than that, end quote.

12 And then I got into the truck  
13 with Nico and went to the mall.

14 Q. Okay. Did he ask you any other  
15 questions, or say anything else?

16 A. No.

17 Q. What did you say, if anything?

18 A. I said, I don't know why he would  
19 say something like that to me.

20 Q. And what, exactly, did he say?

21 A. He said -- he said, this is --  
22 this is what I don't get about black people.  
23 You guys are so lazy. You guys never want to  
24 do work.

25 Because I was explaining to him,

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1 [!WITNESS NAME]

2 me and Nico wasn't going to be able to make  
3 10:30 service because we had too many P-1s.

4 So he just got upset.

5 And Nico, which he always does  
6 this, he just took it out on me, because I  
7 was calmly trying to explain to him we  
8 wouldn't be able to make service.

9 Q. Who is he?

10 A. Henry Nunez, sorry.

11 Q. Henry?

12 A. Yes.

13 Q. So he made that statement, you  
14 told Eric, Eric said why would Henry say  
15 that?

16 A. Uh-huh.

17 Q. You got into the truck?

18 A. Uh-huh.

19 Q. The next thing you knew, Henry  
20 was coming to apologize to you?

21 A. Yes.

22 Q. You testified that you were told  
23 not to make a statement?

24 A. Yeah. After Henry apologized to  
25 me, I was told by Eric and Henry not to write

1 [!WITNESS NAME]

2 a statement about it.

3 Q. I am trying to understand how  
4 that conversation occurred, because my  
5 understanding was that after the conversation  
6 you had with Henry, you thought the issue had  
7 been rectified, right?

8 A. Yes. Yes.

9 Q. So when did the discussion occur  
10 about writing a statement?

11 A. Oh, when I got back to the  
12 station.

13 You don't need to write a  
14 statement about that, let's just keep that  
15 under the table.

16 MS. MASSIMI: Just for the  
17 record, did someone say that to you?

18 MR. McGAHA: Whoa, whoa, whoa,  
19 whoa. I ask the questions.

20 MS. MASSIMI: Can you just  
21 clarify that, then, please?

22 MR. McGAHA: You can ask  
23 questions if you want to at the end.

24 I am asking the questions right  
25 now.

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1 [!WITNESS NAME]

2 Q. What I am asking you is after  
3 Henry had that discussion with you, he went  
4 back to the station, and you continued your  
5 route, correct?

6 A. Yes.

7 Q. At some point at the end of the  
8 day, you came back to the station, correct?

9 A. Uh-huh.

10 Q. Did you approach or ask or  
11 initiate at all?

12 A. A conversation?

13 Q. Yes. Did you discuss this or ask  
14 Wanders or Nunez about this issue when you  
15 returned to the station?

16 A. Yes. When I got back to the  
17 station, I went to Eric's office, and I was  
18 like, I never been in a situation like that.  
19 I asked him, do I write a statement? Where  
20 do we go from here.

21 And he just essentially said,  
22 don't worry about it. We squashed it. It is  
23 under the table. Don't worry about it.

24 That is the impression I got from  
25 him.

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1 [!WITNESS NAME]

2 Q. And you testified earlier that  
3 you believed the situation to be rectified  
4 too, right?

5 A. Yes.

6 Q. Did you have any issue with him  
7 saying that?

8 A. At the time, I didn't know any  
9 better. And I think that they knew that,  
10 since I was still so new.

11 So I think that, yeah, I just --

12 I am sorry. Can you ask the  
13 question again? I am sorry.

14 Q. Yeah. I asked you whether or not  
15 you had an issue with him saying, you know,  
16 we rectified the situation, there is no need  
17 to write a statement.

18 A. Oh, at the time, I didn't have a  
19 major issue, because I honestly felt like  
20 they were being sincere, yeah.

21 Q. All right. So then it happened,  
22 you said, again, at some point, right?

23 A. Uh-huh.

24 Q. But you don't know when, what the  
25 proximity was in time?

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1 [!WITNESS NAME]

2 A. Uh-huh.

3 Q. But at some point he made another  
4 joke or another statement that you found  
5 offensive?

6 A. Uh-huh.

7 Q. And at that -- in that instance,  
8 you did not report it, is that what you  
9 testified to? Is that what you said?

10 A. Yeah. I didn't report it,  
11 because I just learned, working in such a  
12 hostile environment, to just ignore certain  
13 things, because they basically run the  
14 station off of fear.

15 So I just went about my  
16 day-to-day, and just tried to stay out of  
17 their line of sight as much as possible.

18 Q. I am trying to understand how  
19 you -- you said a hostile environment.

20 My understanding, based on your  
21 testimony, is that at that point, it only  
22 happened twice, right? Right, because we  
23 went from the first instance?

24 A. Uh-huh.

25 Q. You said you reported it the very

1 [!WITNESS NAME]

2 first time?

3 A. Uh-huh.

4 Q. And the second time it happened,  
5 you didn't report it.

6 So I am trying to understand why  
7 your impression was that you could not report  
8 it?

9 A. Oh.

10 Q. If the first time you reported  
11 it, something did happen.

12 A. So if you report something, and  
13 someone apologizes, and some time goes by,  
14 and then these things start to happen again,  
15 you start to feel like your report didn't  
16 count for much, so you don't really see the  
17 reason of constantly reporting these things  
18 if nothing is being changed.

19 Q. Okay. So, you did not report it  
20 because you didn't think anything would  
21 happen. You didn't think anyone would do  
22 anything about it, is that what you're  
23 saying?

24 A. Yes.

25 Q. Can you explain to me, why did

Page 126

1 [!WITNESS NAME]

2 you think nothing would be done about it,  
3 when something was done about it the first  
4 time?

5 MS. MASSIMI: Objection.

6 You can answer the question.

7 A. After the first time, everything  
8 seemed normal, but then it went right back to  
9 the unprofessionalism, the racist jokes, the  
10 sexist jokes, so I didn't really see a reason  
11 to keep provoking my managers.

12 Q. So you thought that reporting  
13 harassment would be provocation to your  
14 managers?

15 A. I am sorry. Can you rephrase the  
16 question?

17 Q. I said, you didn't want to  
18 provoke your managers by reporting incidents  
19 of what you deemed to be harassment or  
20 discriminatory conduct?

21 MS. MASSIMI: Can he answer the  
22 question?

23 Q. That is what you said, right?

24 A. Yes.

25 MS. MASSIMI: I just want to make

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1 [!WITNESS NAME]

2 sure. I didn't hear a response.

3 Q. And you did not report it because  
4 you did not want to provoke him; that is what  
5 you said?

6 A. Yes.

7 Q. Provoke him to do what?

8 A. Retaliate against me.

9 Q. Retaliated against you how?

10 A. Termination, write-ups, cutting  
11 my hours, anything of that nature.

12 Q. Okay. So you said that your  
13 hours went back to normal after you had this  
14 discussion with Henry Nunez.

15 When did -- did your hours ever  
16 change again?

17 A. Yes.

18 Q. When?

19 A. Around a little bit before Monty  
20 became my manager in 2020.

21 Q. Okay. How did they change?

22 A. They started telling me that I  
23 had to get off the -- get off the road early  
24 and assist the ladies in the cage inside of  
25 the depot.

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1 [!WITNESS NAME]

2 Q. Now, were your hours cut, or were  
3 your duties cut?

4 A. My hours were actually cut,  
5 because I wasn't able to stay on the road,  
6 and I would have to leave after I helped out  
7 the ladies inside the cage.

8 Q. So you said you worked on average  
9 about 35 hours per week when you started,  
10 correct?

11 A. Yes.

12 Q. When your hours were cut, how  
13 many hours were you working per week?

14 A. 22 hours, 20 something hours. It  
15 was low.

16 Q. And was this consistent? In  
17 other words, when you were working 22 hours,  
18 were you working 22 hours back to back to  
19 back per week, or was it maybe a week you had  
20 22, and another week you had 35?

21 A. Hours would fluctuate at FedEx,  
22 because the freight is very unpredictable, so  
23 some days we would work more hours or less  
24 hours.

25 Basically it was to the

1 [!WITNESS NAME]

2 discretion of manager at the time, which was  
3 Henry, before Monty was my manager.

4 Q. Did everyone's hours fluctuate?

5 A. I don't know. I can't speak for  
6 everyone.

7 Q. But one of the reasons why hours  
8 fluctuate is because of the amount of freight  
9 you have or don't have?

10 A. Yes.

11 Q. Let's look at paragraph 23. It  
12 says, in the summer of 2018, Campbell had a  
13 discussion with Nunez about workload and  
14 stated, in sum and substance, the amount of  
15 work assigned to the couriers and drivers was  
16 perhaps too much to complete before the  
17 management imposed deadlines. All right.

18 Do you recall having that  
19 discussion with him, as we sit here today?

20 A. Yes.

21 Q. And what was his response to  
22 that?

23 A. Exactly what it says in line 24:  
24 Black people always making excuses why they  
25 can't do things. This is why I hate working

Page 130

1 [!WITNESS NAME]

2 with black people.

3 Q. Was this the first time?

4 A. This was the first time.

5 Q. Okay. So that was the first time  
6 that this occurred?

7 A. Yes.

8 Q. Got it.

9 Do you know about how many people  
10 Nunez supervised at the time?

11 A. I don't recall how many people.  
12 It's a lot of people.

13 Q. Do you know about what was the  
14 racial demographic, roughly, the people that  
15 he supervised, do you know?

16 A. Mostly white and Latino.

17 Q. Do you have a ballpark figure  
18 about how many people we are talking about?

19 A. No.

20 Q. What about the demographic of the  
21 station? Do you know -- what is your sense  
22 of what the demographic breakdown was of the  
23 entire LGA?

24 A. It is pretty diverse. It is  
25 pretty diverse.

1 [!WITNESS NAME]

2 Q. Diverse with Hispanic, black,  
3 Filipino, white, everybody?

4 A. Everybody.

5 Q. Okay. All right. What  
6 percentage of black employees would you say  
7 work at LGA, roughly?

8 A. I am not sure.

9 Q. You don't have any idea?

10 A. It is not the majority.

11 Q. Okay. Is it the minority?

12 A. It is possible.

13 Q. So 24, you say, Nunez responded  
14 to Campbell by stating, black people are  
15 always making excuses about why they can't do  
16 things.

17 Sorry. I repeat that.

18 Nunez responded to Campbell by  
19 stating, black people are always making  
20 excuses about why they can't do things. This  
21 is why I hate working with black people.

22 That was the first incident that  
23 we already discussed.

24 And this conversation occurred at  
25 work on the belt, correct?

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1 [!WITNESS NAME]

2 A. In the belt, correct.

3 Q. It says, 25, Campbell complained  
4 of this blatantly racist statement from Nunez  
5 to his senior manager, Eric Wanders.

6 All right. And we discussed  
7 that.

8 Did you ever consider reporting  
9 this -- that statement to Human Resources?

10 A. I honestly don't know who was our  
11 HR rep at the time.

12 But I never thought to report it,  
13 because Eric and Henry made me feel like it  
14 was just a mistake.

15 Q. Well, I am saying, before you  
16 even told Eric, did you ever consider  
17 reporting it to Human Resources?

18 A. No. As soon as Henry said that  
19 to me, I went straight to Eric, who was also  
20 on the belt, and I explained to him what just  
21 happened. So I didn't even have time to  
22 figure that all out. As soon as that  
23 happened, I told Eric.

24 Q. Did you know that you could  
25 report it to Human Resources at the time?

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1 [!WITNESS NAME]

2 A. I mean, honestly, no.

3 Q. Okay.

4 A. No.

5 Q. 26 paragraph.

6 However, Wanders continued  
7 requiring Campbell to work as Nunez's direct  
8 report, despite the blatantly racist,  
9 harassing and discriminatory comments from  
10 Nunez Campbell. All right.

11 Did you ask Wanders to remove  
12 Nunez as your direct report?

13 A. I don't think any manager would  
14 allow an employee to say they don't want to  
15 work with a certain person in that station.  
16 I mean, policy and the culture of the station  
17 is two totally different things.

18 Q. I am asking you a yes or no  
19 question.

20 A. I am so sorry. I am just trying  
21 to answer the question as truthfully as  
22 possible.

23 Q. But that is not --

24 A. I am sorry.

25 Can you repeat the question?

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1 [!WITNESS NAME]

2 Q. I am asking you a yes or no  
3 question.

4 MS. MASSIMI: Objection.

5 Q. I am asking you whether or not,  
6 yes or no, did you ask Eric Wanders to remove  
7 Henry Nunez as your direct report?

8 MS. MASSIMI: Objection.

9 You can answer the question  
10 again.

11 Q. Yes or no?

12 MS. MASSIMI: Objection. You can  
13 answer the question again.

14 THE WITNESS: Can I answer the  
15 question?

16 MS. MASSIMI: Yes, you can answer  
17 the question again.

18 Q. I have asked the question.  
19 I want an answer?

20 A. Okay. I am going to answer the  
21 question. No.

22 Q. Thank you.

23 Did you expect that Nunez would  
24 be removed as your direct report as you told  
25 Wanders this?

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1 [!WITNESS NAME]

2 A. That is not a common practice at  
3 that station.

4 Q. That is a yes or no question.  
5 You either had an expectation or you didn't,  
6 and then you can explain what you mean by  
7 that.

8 But I am asking you whether you  
9 had expectation -- did you expect, after  
10 having reported what Nunez said to you to  
11 Eric Wanders, did you have an expectation  
12 that Nunez would be removed as your direct  
13 report, yes or no?

14 A. I don't know what that the policy  
15 is, but the expectation is no, because I  
16 never seen that done in all my years of  
17 working in the shipping business.

18 Q. Is the answer to my question no?

19 A. I just answered your question,  
20 sir.

21 Q. Was the answer no?

22 A. Yes. It was no.

23 Q. Okay. Thank you.

24 So did you ever consider calling  
25 the alert line to report what Nunez said to

Page 136

1 [!WITNESS NAME]

2 you?

3 A. No.

4 Q. Why not?

5 A. It is not something that is  
6 readily available. It is not easy to find.  
7 It is not something that is spoken about in  
8 the station.

9 Q. Okay. Do you know who Eric  
10 Wanders reported to at this time?

11 A. No.

12 Q. Do you know today who Eric  
13 Wanders reports to?

14 A. No.

15 Q. So your understanding was that  
16 your boss, your supervisor, was Nunez, and  
17 Nunez reported to Wanders, and you weren't  
18 sure what happened after Wanders, who he  
19 reported to; is that correct? Is that what  
20 you are saying?

21 A. No.

22 Yeah, yeah, that is what I am  
23 saying.

24 Q. All right.

25 So as far as you knew, Wanders

Page 137

1 [!WITNESS NAME]

2 was as far as you knew to go?

3 A. Yes.

4 Q. Let's look at paragraph 27.

5 In the summer of 2020 many of  
6 Campbell's white and Latino coworkers began  
7 coming to work expressing blatantly racist  
8 view in the wake of George Floyd's murder and  
9 the protests that followed, thereby creating  
10 a racially hostile work environment for  
11 Campbell. So we skipped from 2018 to 2020 in  
12 one paragraph.

13 MS. MASSIMI: Objection.

14 Q. So I need to ask you about, there  
15 are no other allegations in this complaint  
16 that occurred between what Nunez said to you  
17 about black people being lazy and not wanting  
18 to work or coming to work and what happened  
19 in the summer of 2020 with respect to racist  
20 views regarding George Floyd's murder?

21 MS. MASSIMI: Objection. That is  
22 not accurate.

23 Q. So my question to you is: What  
24 occurred between the time that Mr. Nunez made  
25 this statement to you and apologized about

Page 138

1 [!WITNESS NAME]

2 it, and the incidents that we are going to  
3 talk about as it relates to the George Floyd  
4 murder, and people expressing their views  
5 about it in the summer of 2020, which is  
6 about two years later? What was happening  
7 during that time, as far as what you were  
8 experiencing at work?

9 A. Are you talking about the gap?

10 Q. Yeah. Yes.

11 A. On a day-to-day, so many things  
12 would happen.

13 But like I said before, earlier,  
14 that I would just try to stay out of the way.

15 And I didn't really feel  
16 comfortable writing statements because of the  
17 culture of the station, so I just stayed out  
18 of it, because it didn't affect me directly.

19 Q. So nothing affected you directly  
20 between that time?

21 MS. MASSIMI: Objection.

22 Q. Between these two times, is that  
23 what you are saying?

24 MS. MASSIMI: Objection.

25 You can answer the question.

1 [!WITNESS NAME]

2 A. I was affected, but I felt like  
3 if I said anything, I would be retaliated  
4 against, so that is why I didn't say  
5 anything.

6 Q. Why did you feel like you would  
7 be retaliated against?

8 A. Because eventually I was  
9 retaliated against. The minute I spoke up, I  
10 was retaliated against.

11 Q. But at that time, why did you  
12 feel like you were going to be retaliated  
13 against?

14 A. Because of the things that were  
15 being said, and nothing was being done.

16 Q. But something -- the last time  
17 that you made a complaint, something was  
18 done, right, the first time you made a  
19 complaint?

20 A. Not a formal complaint.

21 That is different.

22 Q. Okay. But you told Mr. Wanders  
23 what occurred, and he responded by having  
24 Nunez apologize to you, and you felt that was  
25 an appropriate response to what happened in

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1 [!WITNESS NAME]

2 that instance, so there is no --

3 MS. MASSIMI: Objection.

4 Was that a question?

5 Q. I am repeating your testimony.

6 MS. MASSIMI: No. Objection.

7 Please don't mischaracterize his  
8 testimony.

9 Q. Did you testify that you believed  
10 that Wanders' response was appropriate at the  
11 time?

12 A. At the time, I felt like it was  
13 appropriate.

14 Q. Okay.

15 A. But things kept happening, and  
16 nothing was being solved, so that is why I  
17 didn't make another complaint at all.

18 Q. So you didn't make another  
19 complaint at all after the incident with  
20 Nunez that you reported to Wanders, correct?

21 A. Yes.

22 Q. Okay. Thank you.

23 And you say -- so you didn't make  
24 no other complaint.

25 And then there is an allegation

Page 141

1 [!WITNESS NAME]

2 here paragraph 27 related to summer of 2020  
3 and the George Floyd murder. All right.

4 Who were the employees who were  
5 expressing blatantly racist views, and says  
6 in the wake of George Floyd's murder?

7 I am assuming you mean the views  
8 were -- were they directly related to the  
9 George Floyd murder, or the George Floyd  
10 murder just happened to be -- just happened  
11 to have occurred, and they were making racist  
12 statements that had nothing to do with George  
13 Floyd, but they were nonetheless racist?  
14 What do you mean?

15 A. No. They were making racist  
16 statements about George Floyd and the riots,  
17 and calling black people monkeys and thieves  
18 and things of that nature. Those were the  
19 things I was hearing on the floor.

20 Q. I need the names of every single  
21 person that you can recall today who made  
22 these statements that you can remember  
23 related to this particular paragraph.

24 We will get into the other  
25 allegations in a minute, but I am talking

Page 142

1 [!WITNESS NAME]

2 about the blatantly racist views that related  
3 to George Floyd's murder, the names of these  
4 individuals, please?

5 A. I can't remember these peoples'  
6 names right now, so long ago.

7 Q. Who would know -- who else heard  
8 it, then, that could corroborate what you're  
9 saying?

10 A. No one, off the top of my head,  
11 because it was just me on the split, hearing  
12 these guys talk behind their truck.

13 Q. Wait.

14 A. So I don't remember.

15 Q. Were they talking to each other,  
16 or were they talking to you?

17 A. They were talking amongst each  
18 other.

19 Q. Okay. So these are statements  
20 that are being made that you happen to  
21 overhear?

22 A. Yes, in the workplace.

23 Q. Okay. And how -- did you report  
24 this to anybody?

25 A. No, because I never felt



1 [!WITNESS NAME]

2 comfortable reporting these things to  
3 management.

4 Q. Okay. How did this affect your  
5 ability to do your job, if at all?

6 A. Some days I wouldn't even want to  
7 go to work, because I knew I would have to  
8 deal with it in some way, shape or form.

9 Q. And on -- but all the statements  
10 that we are talking about in paragraph 27, I  
11 want to make sure I understand, and you have  
12 it in front of you -- are statements that  
13 were not made to you, these are statements  
14 that you heard -- overheard other people  
15 making?

16 A. Uh-huh.

17 Q. While talking to each other, is  
18 that what you testified to?

19 A. Yes.

20 Q. And do you recall exactly what  
21 the statements were? We are going to get  
22 into some of the other allegations that you  
23 made, but I am talking about as it relates to  
24 this particular issue.

25 A. Yeah. I explained earlier, when

1 [!WITNESS NAME]

2 they talked about the riots, and calling  
3 black people monkeys and thieves, things of  
4 that nature.

5 Q. So you know that you can recall  
6 what was said --

7 A. Yes.

8 Q. -- about monkeys and thieves, but  
9 you don't remember who said it?

10 A. No, I can't remember names, but I  
11 can remember faces.

12 Q. Okay. Did you ever approach  
13 these individuals and tell them that you felt  
14 uncomfortable with what was being said?

15 A. No.

16 Q. And how many times did this  
17 occur?

18 A. A few a week.  
19 Only after the George Floyd  
20 murder, this started escalating.

21 Q. Okay. It happened a few times a  
22 week after George Floyd's murder, but you did  
23 not report it?

24 A. No.

25 Q. Do you have any documentation

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1 [!WITNESS NAME]

2 that you made related to this particular  
3 allegation? Did you make a note, or any way  
4 that you can --

5 A. Are we talking about --

6 Q. 27.

7 A. -- just 27?

8 Q. Yes, right now. And we get to  
9 the other ones.

10 A. No. I didn't document anything  
11 for line 27.

12 Q. Okay. 28.

13 For example, on June 1, 2020,  
14 Peter Lorenzi, Campbell's coworker, loudly  
15 yelled out to Campbell, calling him Trayvon.  
16 All right.

17 Did anyone that you know of  
18 witness this, or was it just the two of you?

19 A. It was just the two of us.

20 Q. And how did you respond when he  
21 called you Trayvon?

22 A. I ignored him, because my name is  
23 Kevin, not Trayvon.

24 Q. Okay. How did you respond, if at  
25 all, to him?

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1 [!WITNESS NAME]

2 A. I just kept walking.

3 Q. Okay. When I say how did you  
4 respond, how did you respond? Did you take  
5 any action after he said that to you?

6 A. I am sorry, what do you mean by  
7 action?

8 Q. Did you go tell someone? Did you  
9 report it to HR, management? Did you tell  
10 another coworker what had just happened?

11 A. Yeah. I went straight to a  
12 manager, after he wasn't used to having  
13 running water in the project. I didn't say  
14 anything to him. I just went straight to the  
15 manager to report it.

16 Q. What manager was that?

17 A. Frank.

18 Q. Frank?

19 A. Ontaneda. I am sorry I don't  
20 know how to pronounce his last name. I am  
21 sorry.

22 Q. Why did you choose him?

23 A. That was the first manager I saw.

24 Q. What did you tell him occurred?

25 A. I told him that I was walking

1 [!WITNESS NAME]

2 into the break room which has a kitchen, that  
3 Peter kept calling me Trayvon, Trayvon, and I  
4 didn't respond.

5 And then he followed me into the  
6 kitchen I started to wash my hands, and he  
7 said that I know you are not used to having  
8 running water in the projects, so hurry up.

9 I looked at him. It was very  
10 hurtful.

11 I didn't say anything, and I just  
12 went straight to Frank, and I asked him to  
13 allow me to write a statement.

14 Q. So why did you ask him to allow  
15 you to write a statement?

16 A. I asked him to allow me to write  
17 a statement, because at that point, it just  
18 became too much to bear, and I just had to  
19 say something. It was just too much to  
20 handle.

21 Q. Was writing a statement the only  
22 way that you knew of to report this incident?

23 I guess, let me back up. I guess  
24 my question is why writing a statement was --  
25 why did you choose that as the way that you

1 [!WITNESS NAME]

2 wanted to address this issue?

3 A. Because I never wrote a statement  
4 about anything before, and it just affected  
5 me too much, so I just had to say something  
6 about it.

7 Q. Okay. What did you expect to  
8 occur after having written this statement?  
9 Did you expect the statement would be sent to  
10 some other office, like human resources, for  
11 example? What did you expect to occur after  
12 having written the statement?

13 A. I just wanted to bring awareness  
14 on what was going on the day to day.

15 I don't know where it was going  
16 to, or what would be the outcome. Sorry, I  
17 just wanted to -- I just didn't want it to  
18 happen anymore. I was tired of it.

19 Q. Okay. So why did you want to  
20 write a statement in this instance, but  
21 before, you testified that you did not  
22 believe anything would happen if you had  
23 reported things?

24 A. This was directly -- this was  
25 direct to me, and it was extremely hurtful.

1 [!WITNESS NAME]

2 That is why I wrote a statement.

3 Q. So the other incidents were not  
4 directed at you; is that what you are saying?

5 A. They were conversations that I  
6 was overhearing.

7 Q. Where in this instance you were  
8 being targeted, you felt like, by an  
9 individual, specifically targeted by  
10 Mr. Lorenzi, correct?

11 A. Yes.

12 Q. You testified that you asked  
13 Mr. Ontaneda if you could write a statement,  
14 correct?

15 A. Yes.

16 Q. How did Mr. Ontaneda respond?

17 A. Frank basically said, let's not  
18 try to -- let's not escalate this. Let's try  
19 to get to the bottom of this.

20 But I insisted that I wanted to  
21 write a statement.

22 Q. Okay. I think that is paragraph  
23 34, where you say Campbell asked Ontaneda if  
24 he could write a statement about what Lorenzi  
25 had said to him, and Ontaneda refused,

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1 [!WITNESS NAME]

2 stating instead, let's not escalate this.

3 Let's just talk to Peter and figure it out,  
4 right? Okay.

5 When you say he refused, I want  
6 to make sure I understand exactly what you  
7 mean by that.

8 Can you explain what you mean by  
9 he refused to allow you to write a statement?

10 A. The managers at the station don't  
11 want you to write statements.

12 Q. That is not my question about  
13 generally.

14 I am asking specifically how, in  
15 this case, did he refuse? How did Ontaneda,  
16 not other managers -- how did Ontaneda  
17 refuse --

18 A. Yes.

19 Q. -- to allow you to write a  
20 statement, because that is what you are  
21 alleging here?

22 A. He asked me not to write a  
23 statement.

24 Q. Okay. So you asked to write a  
25 statement, and your testimony is that he told

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1 [!WITNESS NAME]

2 you that you should not write a statement?

3 A. That I shouldn't escalate this.

4 Let's try to figure this out. Let's talk to

5 Peter.

6 Q. Did he tell you you should not  
7 write a statement?

8 A. Yes.

9 Q. And then what happened?

10 A. I sat in the conference room, and  
11 I wrote a statement.

12 And he gave the statement to  
13 Eric. I believe.

14 Q. We are going to back up.

15 So your testimony is that you  
16 asked to write a statement?

17 A. Uh-huh.

18 Q. He said no?

19 A. Uh-huh.

20 Q. Let's talk to Peter and work this  
21 out --

22 A. Uh-huh.

23 Q. -- right?

24 But then you jumped to then you  
25 were in a conference room writing a

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1 [!WITNESS NAME]

2 statement?

3 A. I insisted to write a statement.

4 Q. Yes.

5 A. Sorry for that.

6 Q. Gotcha.

7 Even though he told you, let's  
8 work this out with Peter, you did not listen,  
9 and you went and wrote a statement anyway; is  
10 that right?

11 A. Uh-huh.

12 Q. Right?

13 A. Yes.

14 Q. And after you wrote the  
15 statement, you gave him the statement. That  
16 is what you just testified to?

17 A. Yes.

18 Q. And then what happened after you  
19 gave him the statement?

20 A. In terms of the day?

21 Q. Yes.

22 A. Possibly went on the route and  
23 finished my route.

24 Q. Do you know what happened with  
25 your statement?

1 [!WITNESS NAME]

2 A. No.

3 Q. Okay. All right.

4 And you went on your route, so  
5 this is before you actually were on the road?

6 A. Yeah.

7 Q. By the way, just to make sure I  
8 understand, I don't know if we got this  
9 clear.

10 When you first got to work every  
11 day, you get on the belt and split the  
12 packages, and then you went on the road?

13 A. Yes.

14 Q. Got it. You said you were --  
15 paragraph 35 says, Campbell was surprised and  
16 disheartened by Ontaneda's response, since  
17 Campbell was not escalating the situation,  
18 and in fact, had professionally made Ontaneda  
19 aware of Lorenzi's discriminatory and  
20 harassing comments and conduct.

21 Campbell had to ask -- and we are  
22 at looking at 36 -- Campbell had to ask  
23 Wanders and Ontaneda several times to file a  
24 written statement regarding the incident  
25 described above involving Lorenzi before

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1 [!WITNESS NAME]

2 defendants actually permitted him to do so;  
3 so that does not appear to be consist with  
4 what you just testified to.

5 MS. MASSIMI: Objection.

6 Do you have a question?

7 Q. That does not appear to be  
8 consistent with what you testified to, so I  
9 have some questions for you about that.

10 MS. MASSIMI: Objection. You are  
11 not here to testify, Counselor.

12 Q. So it says that you had to ask  
13 Wanders and Ontaneda several times about a  
14 written statement.

15 I thought you testified earlier  
16 that after the incident occurred, you  
17 immediately went to Ontaneda. Ontaneda said,  
18 let's work this out, let's not escalate the  
19 situation, let's work it out; and that you --  
20 after he told you that in a single instance,  
21 you refused and went to the conference room  
22 and wrote a statement anyway. That is what  
23 you said earlier?

24 A. No. He provided the statement  
25 paper.

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1 [!WITNESS NAME]

2 Q. Oh, you didn't tell me that part.

3 A. Yes.

4 Q. So after you reported it to him,  
5 and you said I want to write a statement,  
6 what happened after you said, I want to write  
7 a statement?

8 I thought you testified earlier  
9 he said no, don't write a statement?

10 A. Yes.

11 MS. MASSIMI: What is the  
12 question? Which question do you want  
13 him to answer?

14 Q. So what I am asking you is what  
15 happened after you told him you wanted to  
16 write a statement?

17 A. Then we went to Eric to get a  
18 piece of paper for a statement.

19 Q. All right.

20 A. And I wrote a statement, after me  
21 insisting that I wanted to write a statement.

22 Q. Okay. So your testimony, that  
23 has changed.

24 MS. MASSIMI: Objection. It has  
25 not changed.

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1 [!WITNESS NAME]

2 Q. So you went to him and said, I  
3 want -- you went straight to him after it  
4 occurred?

5 A. Uh-huh.

6 Q. Told him you wanted to write a  
7 statement.

8 And after you told him you wanted  
9 to write a statement, he took you to see  
10 Eric?

11 MS. MASSIMI: Objection. That  
12 wasn't his testimony.

13 Q. I am asking you, after you told  
14 him you wanted to write a statement, what  
15 happened next?

16 MS. MASSIMI: Objection, asked  
17 and answered.

18 You can explain the situation  
19 again.

20 MR. McGAHA: It has been  
21 answered, but in a different way.

22 MS. MASSIMI: No, I disagree.

23 Q. What happened next?

24 A. In terms of in?

25 Q. What happened next? After you

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1 [!WITNESS NAME]

2 told him that you wanted to write a  
3 statement, what happened after you told him  
4 that?

5 A. He brought me to Eric's office.

6 Q. Okay.

7 A. I got a statement paper, and I  
8 went into the conference room and wrote a  
9 statement, after they both were trying to  
10 tell me not to write a statement, which is  
11 the norm in that station.

12 Q. Okay. So who gave you the paper,  
13 the piece of paper, the form, the statement  
14 form to write the statement?

15 A. I can't remember right now,  
16 'cause it was two of them there. I don't  
17 remember who exactly handed me the paper.

18 Q. Okay. But you, in paragraph 36,  
19 say that both of them asked you several times  
20 not to write the statement, but they gave you  
21 the form to write the statement?

22 A. Yes. I insisted on it.

23 Q. Okay. And they allowed you to  
24 write the statement, correct?

25 A. After I insisted, yes.

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1 [!WITNESS NAME]

2 Q. And you said that after that, you  
3 went on the road; is that right?

4 A. Yes.

5 Q. When you returned to the station  
6 that day, was it discussed again?

7 A. Not that day, no.

8 MS. MASSIMI: Do people want to  
9 take a break? It is 12:37.

10 Do you need to eat something?

11 THE WITNESS: No. We can take a  
12 break.

13 MS. MASSIMI: It is up to other  
14 people.

15 THE WITNESS: I am good.

16 MS. MASSIMI: I am okay to  
17 continue.

18 THE WITNESS: I am fine.

19 MS. MASSIMI: Okay.

20 MR. BRODSKY: We are on the  
21 record. Go ahead.

22 MR. McGAHA: If anyone wants to  
23 take a break, let us know.

24 MS. MASSIMI: We can wait. We  
25 can keep going on.



1 [!WITNESS NAME]

2 Q. So do you recall what happened as  
3 a result of you writing that statement and  
4 reporting what had occurred?

5 A. I am not sure what happened in  
6 the situation. I can't say 100 percent I  
7 know what happened.

8 Q. By the way, when you wrote the  
9 statement, do you remember who you gave it  
10 to? Did you give it to Wanders, or did you  
11 give it to Ontaneda?

12 A. I don't remember who I gave it  
13 to.

14 Q. Do you know whether or not the  
15 incident was investigated? As we sit here  
16 today, do you know whether or not it was  
17 investigated?

18 A. I am not 100 percent sure, no.

19 Q. Did anyone interview you or ask  
20 you any questions about what happened after  
21 that statement was written?

22 A. I don't remember being  
23 interviewed.

24 Q. Do you know whether or not  
25 Lorenzi was disciplined at all as a result of

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1 [!WITNESS NAME]

2 this incident?

3 A. I am not sure. I don't remember.

4 Q. So you don't know if he was  
5 suspended?

6 A. It is a possibility. I am sorry.  
7 It is just I don't remember.

8 No one spoke to me after I gave  
9 my statement, so no one told me, hey, this is  
10 how he is being disciplined. No one had that  
11 conversation with me.

12 Q. Okay. Okay. If he were  
13 suspended for five days, let's say, do you  
14 think that would be a fair resolution to that  
15 particular instance?

16 A. I don't know what is the  
17 disciplinary action for saying something like  
18 that in a work environment.

19 Q. Based on your view, and you  
20 experienced it as the victim of this  
21 particular incident, what do you think would  
22 have been an appropriate punishment for  
23 Mr. Lorenzi?

24 A. I am not sure.

25 Q. Do you think he should have been

1 [!WITNESS NAME]

2 punished and disciplined?

3 A. Definitely.

4 Q. But you don't know how?

5 A. I never worked in management.

6 Q. I understand.

7 I am not asking for a  
8 professional opinion, I am just asking what  
9 you think would have been a fair resolution  
10 to what occurred?

11 A. Termination.

12 Q. You think that would be the only  
13 fair resolution?

14 A. No. There is suspension would be  
15 fair, too --

16 Q. Okay.

17 A. -- to some extent.

18 Q. Okay. Let's look at the next  
19 paragraph, paragraph 37.

20 By the way, let me back up.

21 Did you tell anyone other than  
22 Ontaneda and Wanders that this incident  
23 occurred?

24 A. No. I actually didn't tell  
25 anyone anything about that.

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1 [!WITNESS NAME]

2 Q. All right. Paragraph 37 says  
3 however, after Campbell submitted his written  
4 statement regarding Lorenzi's threatening  
5 discrimination and harassment, defendants  
6 continued to discriminate and retaliate  
7 against Campbell. All right.

8 So I believe you testified  
9 earlier, so this occurred June the 1st,  
10 according to paragraph 28; and we have  
11 established that on June 16th, which would  
12 have been roughly two weeks later, that your  
13 supervisor changed from Henry Nunez to Monty  
14 Bovell, correct?

15 A. Yes.

16 Q. Yes, okay. Fantastic.

17 So in the next paragraph,  
18 paragraph 38, you give an example of how the  
19 harassment and discrimination continued, and  
20 retaliation.

21 You said Defendant, without  
22 Campbell's permission or knowledge, informed  
23 other workers that Campbell had filed a  
24 complaint of racial discrimination against  
25 Lorenzi, further contributing to the racial

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1 [!WITNESS NAME]

2 hostile work environment in which Campbell  
3 was forced to work. All right.

4 What evidence do you have to  
5 support that allegation?

6 A. Workers coming up to me saying  
7 oh, I heard you told on Pete.

8 Q. Who? Who told you that?

9 A. There was a gentleman on the LGA  
10 belt. His name was Kevin. I cannot remember  
11 his last name at this current time.

12 Q. Okay. Do you remember his race?

13 A. I believe he is Dominican.

14 Q. Okay. And he told you what,  
15 exactly?

16 A. He told me that he heard that I  
17 have reported Pete.

18 Q. How soon after the incident  
19 occurred did Kevin tell you this?

20 A. Roughly a couple of weeks after  
21 the situation.

22 There was another girl that told  
23 me, too. Her name was Cat. I don't remember  
24 her -- Kathleen. I am not sure of her full  
25 name either, it has been so long.

1                                   [!WITNESS NAME]

2                                   She was another person that came  
3                                   to me and said, everyone is calling you a  
4                                   snitch. You told on Pete, got Pete in  
5                                   trouble.

6                                   Q.           Okay. So we can maybe --

7   Do you remember her race?

8                                   A.           She is Hispanic.

9                                   Q.           Okay. Anyone else that you can  
10                                   remember today?

11                                   A.           That come to mind right now, no.

12                                   Q.           So you don't know --

13   Other than someone telling you  
14                                   that they heard that you told on Lorenzi, is  
15                                   there any other evidence that you have,  
16                                   because you say Defendant informed other  
17                                   workers that Campbell had filed a complaint.

18   Do you know, when you say  
19                                   Defendant -- there are two defendants Eric  
20                                   Wanders and there is FedEx?

21                                   A.           Yes.

22                                   Q.           Who exactly are you referring to  
23                                   when you are alleging that? Are you  
24                                   referring to FedEx or Wanders, when you say  
25                                   Defendant told someone, or both?

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1 [!WITNESS NAME]

2 A. When I refer to Defendant, I am  
3 talking about the only people that would have  
4 known besides Peter and myself would be  
5 management.

6 So unless management or Peter  
7 told someone, those are the only people that  
8 could have possibly leaked that information,  
9 because I didn't tell anyone.

10 Q. Okay. So but you don't know, you  
11 don't have a name of a person that you  
12 believe told you, you just think someone did?

13 A. People started treating me  
14 differently, so I believed that the rumors  
15 that were going around.

16 Q. Okay. But I just want to make  
17 sure I understand, allegation 38 is that you  
18 believe that someone representing FedEx,  
19 whether it be Eric Wanders or some  
20 individual, informed other workers that you  
21 filed a complaint against Lorenzi, but you  
22 don't know who that person is; is that right?

23 A. Yes. They never came forward and  
24 told me hey, it was me who said that; so no.

25 Q. So you believe it was someone

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1 [!WITNESS NAME]

2 from FedEx, because you don't know how else  
3 people would have known about it; is that  
4 what you are saying?

5 A. Yes.

6 MS. MASSIMI: Can we take a  
7 two-minute break? And I just want to  
8 grab some water and run to the restroom.

9 MR. McGAHA: Sure.

10 MS. MASSIMI: Can we take five  
11 minutes?

12 MR. McGAHA: Yeah.

13 MS. MASSIMI: And come back at  
14 1:00?

15 MR. McGAHA: Yup.

16 MR. BRODSKY: The time is 12:55.  
17 We are off the record.

18 (Whereupon, a short recess was  
19 taken.)

20 MR. BRODSKY: Time is 13:08. We  
21 are on the record.

22 Q. Before we took a break we were  
23 discussing paragraph 38 of Exhibit 9, which  
24 you have in front of you, Mr. Campbell.

25 I will read that back into the

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1 [!WITNESS NAME]

2 record, so we can get back on track with  
3 respect to this testimony.

4 It says, for example, Defendant,  
5 without Campbell's permission or knowledge,  
6 informed other workers that Campbell had  
7 filed a complaint of racial discrimination  
8 against Lorenzi, further contributing to the  
9 racial hostile work environment that Campbell  
10 was forced to work in, right?

11 Then I asked you if you can tell  
12 me who told you that they had heard that you  
13 had told on Lorenzi or reported Lorenzi  
14 rather, and you mentioned Kevin and a Cat?

15 A. Uh-huh, yes.

16 Q. So what made the environment  
17 hostile, you are alleging in 38, that it  
18 contributed that you being told that you were  
19 a snitch, quote, unquote? That is what you  
20 said, right? You said that, right?

21 A. (Witness indicating)

22 Q. How did make the environment  
23 hostile -- make the work environment racially  
24 hostile?

25 A. It made the workplace extremely

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1 [!WITNESS NAME]

2 hostile for the fact that people that used to  
3 speak to me every day, they just stopped  
4 speaking to me, stuff of that nature.

5 Q. Like?

6 A. They made me feel uncomfortable.

7 Q. Like who used to speak to you  
8 every day that stopped speaking to you?

9 A. A gentleman that I used to work  
10 the split with. Just coworkers from  
11 different belts. They would whisper.  
12 Snitch. They would say things under their  
13 breath when I would walk by.

14 Q. Do you remember the names of any  
15 of these people?

16 A. I don't remember the names of  
17 some of these people. It has been so long.

18 Q. Okay. You said a gentleman, you  
19 made a name specifically.

20 Do you remember his name?

21 A. I had -- there was a few  
22 gentlemen that they switched out that I used  
23 to do the split with.

24 I believe his name is Mike. He  
25 was an older gentleman. I don't remember his

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1 [!WITNESS NAME]

2 last name. He wears glasses.

3 Q. What is his race, do you  
4 remember?

5 A. He is Caucasian.

6 Q. And did you say that Mike called  
7 you a snitch, or did Mike -- what did Mike  
8 do?

9 A. That was stuff that I heard in  
10 the break room. When I would go to the  
11 bathroom, these are things that other  
12 coworkers would tell me was happening behind  
13 my back.

14 But Mike never called me a  
15 snitch. He just stopped speaking to me, and  
16 started being very cold.

17 Q. Got it.

18 Do you know why -- did you ever  
19 attempt to speak to him after he started --  
20 you perceived him being cold, did you ever  
21 initiate a conversation with him?

22 A. No, I never initiated a  
23 conversation with him.

24 I just assumed it was because he  
25 was friends with Pete.

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1 [!WITNESS NAME]

2 Q. Okay. But that was an  
3 assumption?

4 A. Yes.

5 Q. Did you ever report this, that  
6 you were being called a snitch, to anyone?

7 A. No.

8 Q. Okay. Do you know of any other  
9 black employees at LGA who you have spoken to  
10 about the work environment being racially  
11 hostile?

12 A. Yes.

13 Q. Who?

14 A. Adamel Spencer is the one that  
15 comes to my mind right away.

16 Q. How many times did you all speak  
17 about this?

18 A. I don't have a number, but a few  
19 times.

20 Q. Anyone else?

21 A. Not -- no, not in depth, as me  
22 and Spencer would speak, no.

23 Q. Were you all just good friends,  
24 or just happen to be working closely  
25 together?

1 [!WITNESS NAME]

2 A. Just worked closely together.

3 Q. Did you work with any other  
4 African American employees?

5 A. In terms of?

6 Q. I know Monty Bovell, but anyone  
7 that was your same level?

8 A. You mean directly?

9 Q. Yes.

10 A. Yes, yes.

11 Q. Like who were some of your black  
12 coworkers?

13 A. Jaray Hunter, Adamel Spencer.

14 I am sorry. I can't remember all  
15 the names of all the black employees that I  
16 worked with.

17 Q. But other than Adam Spencer, you  
18 never discussed the racial hostile work  
19 environment --

20 A. No, just him, because he had  
21 simple qualms about what was going on in the  
22 station.

23 Q. Do you know whether or not he  
24 ever reported any of these issues?

25 A. No, I am not aware of that.

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1 [!WITNESS NAME]

2 Q. Did he encourage you to report  
3 any of these issues?

4 A. No. I never spoke to him about  
5 me reporting anything, I just -- we just  
6 spoke about racial things that were happening  
7 to us in the station.

8 Q. So you never discussed the  
9 Lorenzi's situation again? You never  
10 discussed the Lorenzi situation with him?

11 A. You mean after everyone was  
12 calling me a snitch, or before?

13 Q. At any point?

14 A. Beforehand, no. I didn't speak  
15 to anyone about it.

16 Q. Did you speak with him about it  
17 later?

18 A. When everyone was calling me a  
19 snitch, yes.

20 Q. What did you all speak about?  
21 What did you say?

22 A. I just told him about the  
23 incident that happened.

24 Q. And what was his response?

25 A. He just thought it was really

1 [!WITNESS NAME]

2 messed up.

3 Q. So the next paragraph, paragraph  
4 39, after Campbell filed a discrimination  
5 against Lorenzi, other workers began openly  
6 referring to Campbell as a snitch.

7 We talked about that.

8 Again, I just want to make sure I  
9 understood your testimony.

10 You can't name today anyone that  
11 you know of who called you a snitch?

12 A. No one at the station ever looked  
13 in my face and said Kevin, you are a snitch;  
14 so no, I cannot give you a person that called  
15 me a snitch.

16 Q. So you believe that you were  
17 being called a snitch because two employees,  
18 Kevin and Cat, told you that you were being  
19 called a snitch; is that accurate?

20 A. Yes.

21 Q. And you did not report this to  
22 anyone after you learned about it from Cat  
23 and Kevin; is that correct?

24 A. That is correct.

25 Q. Let's look at the next paragraph,

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1 [!WITNESS NAME]

2 paragraph 40.

3 Lorenzi's wife Angela worked in  
4 the office at Defendant. She personally  
5 retaliated against Plaintiff by giving him  
6 broken package scanners, and ignoring him  
7 when he needed work related information.

8 When Campbell called the office  
9 to provide work related information to  
10 Angela, she often hung up the phone on him.

11 Can you explain to me, as a  
12 layperson -- I am not familiar with the  
13 process of how you all work together as far  
14 as her giving you package scanners?

15 So first of all, what as her job?

16 A. Her job was give out the scanners  
17 in the morning.

18 She works behind the desk, so she  
19 picks up the phone when you call, because the  
20 managers aren't in, as far as I know, if you  
21 need to call out. So her job is basically to  
22 label packages, relabel packages. She does a  
23 few things that I am aware of.

24 Q. And she checked the scanners out;  
25 is that right?

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1 [!WITNESS NAME]

2 A. Yes.

3 Q. So if I understand you correctly,  
4 all the couriers would have scanners that  
5 they would check in and check out -- check  
6 out at the beginning of the day and check  
7 back in at the end of the day, correct?

8 A. Yes.

9 But some days, scanners would get  
10 switched.

11 Q. What do you mean?

12 A. Some people would come in early  
13 and take better scanners.

14 Or if you were cool with Angela,  
15 she would give you a new scanner or a better  
16 scanner than other people.

17 Q. So she checked scanners out to  
18 you at the beginning of the day, you and all  
19 the other couriers, right?

20 A. Yes.

21 Q. Okay. And here you say she gave  
22 you broken package scanners, so you're saying  
23 that the scanners that she gave you were  
24 broken?

25 A. They wouldn't function properly

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1 [!WITNESS NAME]

2 all the time.

3 Q. Okay. Do you know whether or not  
4 she knew that?

5 A. You know that. If you work  
6 behind the desk, you know what scanners work  
7 and what scanners don't work that well.

8 I worked behind the desk, too.

9 Q. So you believe she purposely gave  
10 you broken package scanners?

11 A. Yes.

12 Q. How many times did you receive  
13 broken package scanners from Angela?

14 A. A few times a week.

15 Q. A few times a week. How did you  
16 learn that they were broken?

17 A. I would go on the road, and they  
18 just wouldn't work properly. Battery would  
19 be dying. I wouldn't be able to write in  
20 addresses, and stuff of that nature, stuff of  
21 nature.

22 Q. So if you receive a package  
23 scanner -- help me out here.

24 You receive a package scanner,  
25 you to go Angela, and you get it checked out.

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1 [!WITNESS NAME]

2 Can you check it on the spot, and  
3 determine whether or not the package scanner  
4 is working, but before you leave her desk?

5 A. Physically, you can do that, but  
6 that is not the nature of the business. We  
7 have to get on the belt and start splitting  
8 the belt and load the trucks. You don't  
9 really have that grace to go through your  
10 scanner and make sure every button works  
11 properly, that the battery is fully charged.

12 Some scanners would show a full  
13 battery, and die when you get on the road.  
14 It wasn't the best equipment.

15 Q. How would she know, if you didn't  
16 determine right on the spot, whether or not a  
17 package scanner was working? Why do you  
18 believe she could determine that?

19 A. Because she was working behind  
20 the desk. She has more time with the scanner  
21 than I would. I am just being handed a  
22 scanner. She is back there the entire the  
23 time.

24 Q. About how many times -- I know  
25 you said -- overall, how many times do you

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1 [!WITNESS NAME]

2 think she gave you a broken package scanner  
3 in total, roughly?

4 A. I can't give you a number.

5 Q. Ballpark?

6 A. I am sorry, I can't give you a  
7 number. It's a lot of times.

8 Q. Was it more than five?

9 A. Yes.

10 Q. More than ten?

11 A. Yes.

12 Q. Do you know if any other couriers  
13 ever got broken package scanners from  
14 Ms. Lorenzi?

15 A. I am pretty sure they have, but  
16 mine were consistently bad.

17 Q. Do you know whether or not other  
18 individuals got consistently bad package  
19 scanners from Ms. Lorenzi?

20 A. It is possible. No one ever  
21 spoke to me about it.

22 Q. Okay.

23 A. It just miraculously started  
24 happening after Peter got reported.

25 Before that, I never had any

Page 179

1 [!WITNESS NAME]

2 issues.

3 Q. How long was she the person --  
4 was she the person who checked out the  
5 package scanners while you were employed  
6 there?

7 A. The entire time I have been  
8 there, she checked out, along with other  
9 people.

10 Q. Okay. So how often did she work  
11 behind the desk?

12 A. Very often she would give me my  
13 packages -- package scanner.

14 Q. But other people would, too?

15 A. Rarely. It depends.

16 I don't know their schedules, but  
17 other times I would get package scanners from  
18 other people, and they wouldn't be -- they  
19 wouldn't have any issues with them when they  
20 gave them to me, only when Angela gave them  
21 to me.

22 Q. Okay. You also said here that  
23 she ignored you when you needed work-related  
24 information.

25 Can you explain what you mean by

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1 [!WITNESS NAME]

2 that?

3 A. Yes. I will pick up the phone to  
4 call out, and I would say hello, this is  
5 Kevin. I would like to speak to a manager.

6 She would hear my voice and hang  
7 up the phone on me.

8 And there was like a rule that  
9 you had to call out within a certain amount  
10 of time, or they would give you a very hard  
11 time if you called out last minute. So I  
12 would keep calling back, and no one would  
13 pick up the phone.

14 And I knew that she was there,  
15 'cause she would pick up the phone.

16 Q. Okay. Was there any other  
17 person -- what kinds of things do you recall  
18 about -- what work issues were calling?

19 A. That is the main issue. That is  
20 the work-related issue.

21 I noticed that I couldn't confide  
22 in her for just a single call out. I never  
23 really had to call for like missing packages  
24 or missed pickups or anything like that.  
25 That was the main discrepancy that I had with

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1 [!WITNESS NAME]

2 her was the calling out and hanging up.

3 Q. Okay. How many times, in total,  
4 if you can estimate today, did she hang up on  
5 you?

6 A. I don't call out often, so it  
7 wasn't that often.

8 Q. Was it more than five?

9 A. I don't think it was more than  
10 five times. I don't call out often.

11 Q. Was it more than three times?

12 A. Possibly.

13 Q. Okay. So was there another  
14 number that you could have called?

15 A. That is the only number I had.  
16 We are not supposed to call  
17 managers directly.

18 Q. Not even your direct manager?

19 A. You are not supposed to. That is  
20 not common practice, as far as I know.

21 Q. Is that written down somewhere?

22 A. That is just what I was told,  
23 word of mouth, people that been there 20  
24 years plus.

25 Q. Okay. Did you have your

Page 182

1 [!WITNESS NAME]

2 manager's phone number?

3 A. Yes.

4 Q. How did this affect your ability  
5 to do your job, the fact that you said she  
6 hung up on you? Can you give me an example  
7 of how that affected your ability to do your  
8 job?

9 A. Yes. It made it extremely  
10 uncomfortable. It made me feel isolated. It  
11 made me feel like I wasn't worthy of the call  
12 out, something as simple as a call out.

13 Q. And can you explain a call out  
14 one more time?

15 A. When I pick up the phone, and you  
16 dial, and you tell them that you are not  
17 going to be able to make it in today, whether  
18 it is a personal reason or if you are not  
19 feeling well, that is a call out.

20 Q. So when you -- on these instances  
21 where you said she hung up on you, and these  
22 were all instances where you were trying to  
23 basically report that you weren't going to be  
24 at work that day?

25 A. Yes.



1 [!WITNESS NAME]

2 Q. What did you do, other than  
3 notify -- did you do anything to notify  
4 someone at the station that you weren't going  
5 to be there, when she hung up on you?

6 A. I would just keep calling, keep  
7 calling, keep calling.

8 And eventually I would text a  
9 manager, or try to call a manager, because I  
10 felt like it was very important to let my  
11 manager know I wasn't going to come in.

12 Q. Okay.

13 A. Because it is highly frowned upon  
14 if you don't come to work and not let your  
15 manager know.

16 Q. Okay. So your testimony is that  
17 the only way that you were supposed to call  
18 out was to call the office and speak to  
19 whoever answered the phone, and tell them  
20 that you weren't going to be there that day?

21 A. That is the common practice, yes.

22 Q. Did you typically -- did you text  
23 your manager often?

24 A. Not often.

25 You mean work-related or

1 [!WITNESS NAME]

2 non-work-related?

3 Q. Work-related.

4 Did you text either Mr. Bovell or  
5 Henry Nunez on a regular basis?

6 A. On a regular basis, no.

7 Q. How often would you text them?

8 A. If I can't reach them any other  
9 way, then I would result to texting.

10 Q. Okay.

11 A. Or calling, but they would be a  
12 last resort.

13 Q. Okay. So you on never texted  
14 them to tell them that you weren't going to  
15 be at work on a particular day?

16 A. Yes, I have.

17 Q. Okay. So was that an option that  
18 you could have utilized, to let them know  
19 that you weren't going to be at work on a  
20 particular day?

21 A. That was the only option that I  
22 was allowed.

23 Q. What do you mean -- I thought you  
24 said you were supposed call in?

25 A. After she would hang up, the only

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1 [!WITNESS NAME]

2 option I would be allowed to do would be to  
3 contact a manager, because she would not let  
4 me tell her to put a manager on the phone.  
5 She would hung up on me.

6 Q. I thought you just testified that  
7 you would continue to call?

8 A. I did.

9 Q. Call and call and?

10 A. I definitely did say that.

11 And then I said when she wouldn't  
12 pick up, I would try to contact a manager  
13 through text, call, just to let them know  
14 that I wasn't coming in, because it was the  
15 right thing to do.

16 Q. Okay. I thought you said that  
17 you would call and call until she eventually  
18 answered the phone?

19 A. Sometimes she would pick up, but  
20 it is rare. It is rare that she would pick  
21 up.

22 Q. Okay. But you don't know if this  
23 happened more than five times?

24 A. I don't recall out often, so I  
25 don't remember the exact number.

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1 [!WITNESS NAME]

2 Q. Okay. Let's see.

3 Did she answer the phone more  
4 times than she hung up on you?

5 A. She hung up more than she  
6 answered, for sure.

7 Q. So if she answered -- let's just  
8 say if she hung up, let's just say it was  
9 five times, that means she answered it less  
10 than that?

11 A. I am sorry. Repeat the question.

12 Q. You said that she hung up on you  
13 more times than she actually answered the  
14 phone?

15 A. Uh-huh.

16 Q. I asked you earlier if this  
17 happened more than five times. You said you  
18 weren't sure.

19 A. Yeah.

20 Q. That would be five times for  
21 hanging up on you?

22 A. Uh-huh.

23 Q. So is it your testimony today  
24 that she answered the phone less than five  
25 times, when you called?

1 [!WITNESS NAME]

2 A. My testimony is that when I  
3 called, she would hang up the minute she  
4 would hear my voice. That is my testimony.

5 Q. And this happened, you said  
6 often.

7 You know, how often did it  
8 happen? I mean, it doesn't sound like if you  
9 worked there, Kevin, for four years --

10 A. Uh-huh.

11 Q. -- and you said it happened five  
12 times?

13 A. Uh-huh.

14 Q. You are not sure it happened more  
15 than five times? That doesn't sound very  
16 often, to me.

17 MS. MASSIMI: Objection.

18 Q. So I am just trying to  
19 understand.

20 MS. MASSIMI: Objection. That is  
21 not appropriate.

22 And you are really  
23 mischaracterizing his testimony, and  
24 you, yourself, are trying to testify,  
25 which I think is impermissible.

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1 [!WITNESS NAME]

2 Q. I am trying to understand how  
3 often --

4 MS. MASSIMI: If you are really  
5 trying to understand, I can explain it  
6 to you, because it is clear to me.

7 Your faint confusion about this,  
8 you are getting to the end of that. Why  
9 don't you move on?

10 Q. I am trying to understand,  
11 Mr. Campbell, how often this occurred  
12 relative to how long you were there.

13 MS. MASSIMI: Objection.

14 You can answer the question  
15 again.

16 A. Yes.

17 Q. You testified earlier that you  
18 don't know whether or not it happened more  
19 than five times, it being her hanging up on  
20 you; is that accurate? Is that what you  
21 said?

22 A. That is what I said, yes.

23 Q. And in your complaint you allege  
24 that it happened often, so I am trying to  
25 reconcile how it happened often, with your

1 [!WITNESS NAME]

2 testimony today that you don't know whether  
3 or not it happened more than five times.

4 Can you explain?

5 MS. MASSIMI: Objection.

6 Q. Can you explain to me --

7 A. Yes.

8 Q. -- how those two things can both  
9 be true?

10 A. Something that is supposed to  
11 never happen, like when you call out two  
12 times, could be considered often three times,  
13 could be considered often, because it is not  
14 supposed to be happening. That is what I am  
15 trying to explain to you.

16 Q. Do you have any idea why she hung  
17 up the phone?

18 A. I believe she was upset that  
19 Peter got reported.

20 Q. Why --

21 A. And she was retaliating against  
22 me.

23 Q. Why do you believe that?

24 A. Because it started to happen  
25 after he was reported, and it never happened

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1 [!WITNESS NAME]

2 before.

3 Q. Okay. So before -- and this  
4 would have been in 2020. You started in  
5 2017, and from 2017 to 2020, June of 2020,  
6 June 1st is when the other incident  
7 happened -- she never hung up on you?

8 A. Never.

9 Q. All right. Okay.

10 MS. MASSIMI: I thought that was  
11 clear.

12 Were you confused about that?

13 Q. So only after June the 1st of  
14 2020 did you say that these hang-ups  
15 occurred. You said that you don't know how  
16 many it was, but you are not sure it was more  
17 than five, but you don't know how many times,  
18 right?

19 A. Yes.

20 Q. Did you ever ask her about this?

21 A. I did not speak to Angela.

22 Q. Okay. Did you ever report that  
23 you believed she was hanging up on you  
24 because you reported Lorenzi?

25 A. Nope.

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1 [!WITNESS NAME]

2 Q. Did you ever report that she was  
3 hanging up on you for a reason you didn't  
4 know?

5 A. No.

6 Q. Why not?

7 A. Because I didn't feel comfortable  
8 enough to make another report, after I seen  
9 how my colleagues and management started to  
10 treat me after I made my first report against  
11 Peter.

12 Q. So you believed it was  
13 retaliation for having reported Peter, and  
14 you did not tell anyone that you believed you  
15 were being retaliated against, because you  
16 did not want to be retaliated against again,  
17 or further retaliated against; is that what  
18 you're saying?

19 A. Yes.

20 Q. Let's look at 42. Paragraph 42  
21 says, for example, at or around the time of  
22 Lorenzi's suspension during the summer of  
23 2020, and in the wake of the protests  
24 following George Floyd's murder, Rob, a  
25 mechanic for Defendants, whose last name is

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1 [!WITNESS NAME]

2 currently unknown to Campbell, said to  
3 Campbell, Kevin, how is your new TV?

4 As we sit here today, do you  
5 still not remember Rob's last name?

6 A. I don't remember his last name.  
7 He was just known as Rob the mechanic.

8 Q. What was Rob's race?

9 A. White, Caucasian.

10 Q. How often did you work with Rob?

11 A. I never worked directly with Rob.  
12 He was just around in the station when I was  
13 there.

14 Q. Okay. How often would you see  
15 him, roughly?

16 A. Few times a week.

17 Q. You said that you don't remember  
18 the specific date, do you?

19 A. The specific date, no, I don't  
20 remember.

21 Q. But it was in 2020, roughly. All  
22 right.

23 Do you remember who your manager  
24 was at that time?

25 A. I believe Monty was my manager at

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1 [!WITNESS NAME]

2 the time.

3 Q. Okay.

4 A. My direct manager that I reported  
5 to.

6 Q. Okay. All right.

7 And Monty is black, right?

8 A. Yes.

9 Q. And so did you and Rob ever have  
10 a -- when you all interacted, did you joke  
11 with each other, or have any kind of banter  
12 back and forth as far as how you communicated  
13 with each other?

14 A. In terms of jokes?

15 Q. Yes.

16 A. Yes.

17 Q. Okay. So you all, when you did  
18 communicate with each other, sometimes would  
19 make jokes?

20 A. Yes.

21 Q. Did you make jokes -- was he the  
22 only person who made jokes, or did you make  
23 jokes as well?

24 A. We would all make jokes.

25 It was a job. We work a lot

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1 [!WITNESS NAME]

2 together, so we would all make jokes.

3 Q. Okay. Would the jokes be  
4 offensive sometimes?

5 A. No.

6 Q. Okay. So never offensive jokes?

7 A. No, because I don't believe a  
8 joke is a joke unless everyone finds it  
9 funny.

10 Q. Okay. All right.

11 Did you ever witness him joking  
12 with other people about things that you might  
13 find offensive?

14 A. No.

15 Q. Okay. Where did this particular  
16 incident occur, the one you described in  
17 Paragraph 42?

18 A. It occurred with me and Henry  
19 having a conversation by the cage.

20 Rob came over and made a  
21 statement about a TV, how was my TV that me  
22 and sister just got.

23 And I was confused, because he  
24 mentioned Radio Shack, and I knew that Radio  
25 Shack was no longer open, so I was confused.

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1 [!WITNESS NAME]

2 I am like, what do you mean?

3 What TV?

4 He said, you know, the TV that  
5 you stole during the riots. And then he  
6 walked away.

7 And I turned to Henry and said,  
8 so I am going to have to write a statement  
9 about that, too. What am I supposed to do?

10 And Henry just kind of mumbled  
11 under his breath, I don't know. He was  
12 confused. But even Henry noticed that that  
13 wasn't funny, it was offensive.

14 Q. Did you tell Rob that you found  
15 the joke to be offensive?

16 A. I didn't feel comfortable saying  
17 anything to him again. And I didn't say  
18 anything to him after that.

19 Q. Did you tell Henry that you found  
20 the joke to be offensive?

21 A. Yeah. Henry was present when he  
22 said it to me. Henry knew that I was  
23 offended.

24 Q. How did he know you were offend?

25 A. He was standing right next to me

1 [!WITNESS NAME]

2 when Rob said it, and I expressed it to him.

3 Q. Right. He was standing next to  
4 you, and you say you expressed it to him.

5 How did you express to Henry that  
6 you found the joke offensive?

7 A. I asked him, am I supposed to  
8 write a statement about this? Every day, I  
9 am going to write a statement, all of these  
10 racial things that are said to me.

11 Am I supposed to write a  
12 statement every single time?

13 Q. So you specifically said race?  
14 You mentioned to Henry that you thought the  
15 joke was racial?

16 A. It was extremely racist.

17 Q. I didn't ask you how perceived  
18 it, I asked you what you told him.

19 Did you tell Henry, I believe  
20 this is a racist joke?

21 A. It wasn't a joke, to me.

22 Q. Did you tell Henry that you  
23 believed that what Rob said was racially  
24 offensive?

25 A. I don't think that I needed to

1 [!WITNESS NAME]

2 tell Henry.

3 Q. The answer is yes or no.

4 Did you tell Henry that you  
5 believed that the joke was -- that the  
6 statement was racially offensive?

7 A. No.

8 Q. All right.

9 So you assumed, or did you assume  
10 that Henry understood that the joke was  
11 racially offensive?

12 A. Yes.

13 Q. All right. So let's look at  
14 paragraph 43. It says, Campbell asked Rob to  
15 explain what he meant by this comment.

16 And Rob explained, I am talking  
17 about the TV that you and your sister stole  
18 from Radio Shack this weekend during the  
19 riots.

20 By the way, do you have a sister?

21 A. No.

22 Q. Do you know what he meant by your  
23 sister, then, why he added that?

24 A. I guess he thought it would be  
25 funny.

1 [!WITNESS NAME]

2 Q. Were there any riots that -- in  
3 New York in the wake of the George Floyd  
4 riots what you perceive to be a riot?

5 A. I believe there was protests  
6 going on.

7 Q. But you said that he used the  
8 word riot, so were there any riots, that you  
9 were aware of?

10 MS. MASSIMI: Objection.

11 Objection.

12 That allegation is not meant to  
13 indicate that it is truthful. That is a  
14 verbatim quote from someone else. The  
15 plaintiff did not say that.

16 Do you want to call the judge  
17 about this?

18 MR. McGAHA: No.

19 MS. MASSIMI: Okay. Then move  
20 on.

21 MR. McGAHA: I get to ask the  
22 questions.

23 MS. MASSIMI: You can ask the  
24 questions within reason, but you are  
25 trying to pretend that you don't



1 [!WITNESS NAME]

2 understand the dog whistle conversation  
3 between, you know, riots and protests,  
4 is pretty disgraceful.

5 Do you need to take a break,  
6 Mr. Campbell?

7 Let's take a break. Let's step  
8 out.

9 MR. McGAHA: All right.

10 MR. BRODSKY: The time is 13:37.  
11 We are off the record.

12 (Whereupon, a short recess was  
13 taken.)

14 MR. BRODSKY: The time is 13:43.  
15 We are on the record.

16 Q. Mr. Campbell, we were discussing  
17 paragraph 43 before we took a break.

18 Did you report Rob's comments to  
19 anyone after they occurred?

20 A. No, because a manager was present  
21 when he said it.

22 Q. Okay. And did you tell anyone  
23 that you believed the comments were racially  
24 offensive?

25 A. No.

1 [!WITNESS NAME]

2 Q. Do you have any documentation of  
3 that incident, other than your memory?

4 A. No, because a manager was there,  
5 so I felt like that would suffice enough.

6 Q. Okay. Let's go to paragraph 45,  
7 which says, Rob made a statement in front of  
8 Henry Nunez. And we discussed that.

9 Paragraph 46, in light of Rob's  
10 racially discriminatory accusations of  
11 looting against Campbell, Campbell looked at  
12 Nunez and asked, do I have to write a  
13 statement about this, also? Am I going to  
14 write a statement every day, when these  
15 things happen here?

16 Did Nunez --

17 MS. MASSIMI: Am I going to have  
18 to write a statement every day when  
19 these things happen here?

20 MR. McGAHA: That is correct.

21 It says, am I going to have to  
22 write a statement every day when these  
23 things happen here?

24 Thank you for clarifying.

25 Q. Paragraph 47, Nunez made no

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1 [!WITNESS NAME]

2 effort to reprimand Rob not to protect  
3 Campbell; instead, looked at Campbell and  
4 said, I don't know. All right.

5 When you say protect Campbell,  
6 can you explain what you meant by that?

7 A. Stand up for me, make me feel  
8 protected. I feel like that is the job of a  
9 manager.

10 Q. At the time that this incident  
11 occurred, did you think that you -- did you  
12 ever think to notify your direct manager?

13 A. All the managers have the same  
14 power. Your manager that you direct to is  
15 strictly for -- based on your belt and route,  
16 but all managers have the same power.

17 Q. I asked you a yes or no question,  
18 please.

19 MS. MASSIMI: Objection.

20 You can answer the question.

21 A. Repeat the question.

22 Q. Yes. I will be glad to repeat  
23 the question to you.

24 When this incident occurred, Rob  
25 made these statements, and Nunez -- you asked

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1 [!WITNESS NAME]

2 Nunez if you are going to have to write a  
3 statement every day, and Nunez said, I don't  
4 know.

5 At that time, based on what you  
6 have alleged here in the timeline, your  
7 direct manager was Monty Bovell, correct?

8 A. Yes.

9 Q. Who is an African American,  
10 correct?

11 A. Yes.

12 Q. Did you consider notifying  
13 Mr. Bovell that these statements had been  
14 made, and that you found them to be  
15 offensive?

16 A. No.

17 Q. Why not?

18 A. Because a manager was present  
19 that I felt more comfortable around, that  
20 knew me longer.

21 Q. So you felt more comfortable  
22 around Henry Nunez then Monty Bovell?

23 A. Yes. I knew him longer than I  
24 knew Monty -

25 Q. Okay.

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1 [!WITNESS NAME]

2 A. -- as far as managers.

3 Q. Do you believe Henry Nunez was  
4 racist?

5 A. At the time, no.

6 Q. Do you believe that Monty Bovell  
7 has any issue with African American people?

8 A. No.

9 Q. Okay. So you don't believe he is  
10 a racist either, at least not as it relates  
11 to black people, right?

12 A. No.

13 Q. Do you think that most African  
14 Americans would have found what Rob said to  
15 be offensive?

16 A. Yes.

17 Q. So you believe that Monty Bovell  
18 then would have also been offended by what  
19 Rob said, correct?

20 A. Yes.

21 Q. But you chose not to tell Monty  
22 Bovell, your direct supervisor, about what  
23 Rob said, correct?

24 A. Yes.

25 But there was a manager present.

1 [!WITNESS NAME]

2 Q. Okay. Let's go to the next  
3 paragraph, paragraph 48. Defendant,  
4 despite -- I guess you mean FedEx -- despite  
5 their knowledge.

6 MS. MASSIMI: I am sorry, what?

7 Q. Paragraph 48 says Defendant.  
8 There is two defendants in the  
9 case.

10 MS. MASSIMI: Why are you -- you  
11 don't have to interpret what the  
12 pleading says. It says what it says.

13 Q. Paragraph 48 says, Defendant --

14 MS. MASSIMI: Don't testify for  
15 him.

16 Q. After the comment, it says their.  
17 I don't know if you mean FedEx or  
18 you mean Mr. Wanders. I am going to ask you  
19 about that after I finish reading the  
20 paragraph, okay?

21 It says Defendant, despite their  
22 knowledge of Rob's blatantly discriminatory  
23 conduct towards Campbell, did nothing to  
24 discipline or reprimand Rob. All right.

25 There is two defendants in the

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1 [!WITNESS NAME]

2 case.

3 To whom are you referring in  
4 Paragraph 48, when you say a singular  
5 defendant?

6 A. You are talking about Paragraph  
7 49?

8 Q. 48. I believe it is 48.

9 A. Yes. Oh, yes.

10 Henry works for FedEx. Henry is  
11 a manager for FedEx Express, so he is part of  
12 the defendant.

13 Q. Okay. So you are not talking  
14 about Eric Wanders here?

15 MS. MASSIMI: Objection.

16 You can answer the question.

17 A. Eric wasn't present.

18 Q. I understand that.

19 But there are two defendants in  
20 the case. I am trying to understand which  
21 one you are referring to in paragraph 48 when  
22 you say Defendant?

23 A. I am referring to an employee of  
24 FedEx Express.

25 Q. So you are referring to FedEx?

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1 [!WITNESS NAME]

2 That is what you mean by Defendant, correct,  
3 employee --

4 A. Yes.

5 Q. -- in 48?

6 So you're saying FedEx  
7 essentially, despite their knowledge of Rob's  
8 blatantly discriminatory conduct towards  
9 Campbell, did nothing to discipline or  
10 reprimand Rob.

11 So are you saying here, yes or  
12 no, that Nunez, having heard what Rob said,  
13 understood the comment to be blatantly  
14 discriminatory?

15 A. Yes.

16 Q. Okay. All right.

17 But did nothing to discipline or  
18 reprimand Rob?

19 A. Yes.

20 Q. Do you know whether or not Rob  
21 was disciplined, as you sit here today?

22 A. I wasn't made aware of it.

23 Q. Okay.

24 A. To my knowledge, nothing  
25 happened.



1 [!WITNESS NAME]

2 Q. Okay. But you don't know that,  
3 do you?

4 A. No.

5 MS. MASSIMI: Objection.  
6 Objection.

7 Q. Did you ever ask Rob whether or  
8 not he had been disciplined or reprimanded?

9 A. I stopped speaking to Rob after  
10 he made those racial comments.

11 Q. Is the answer no?

12 MS. MASSIMI: Objection. He  
13 answered the question.

14 I know you don't like his answer,  
15 but he has certainly answered the  
16 question.

17 Q. Is the answer no?

18 MS. MASSIMI: Objection.

19 A. Can you repeat the question?

20 Q. Yes, I will.

21 Did you ever ask Rob if he had  
22 been disciplined or reprimanded after he made  
23 that statement to you?

24 A. No.

25 Q. 49 says Defendant --

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1 [!WITNESS NAME]

2 discrimination and retaliation against  
3 Campbell continued.

4 50 says, for example, in or  
5 around July of 2020, JC and Jeffrey  
6 Durante -- I believe that is how you  
7 pronounce his name -- Plaintiff's coworkers  
8 walked over to Campbell, who was standing  
9 near a cage where packages are stored.

10 Durante said to Campbell, how  
11 about I put you in that cage, like the  
12 gorilla you are. Jeffrey then laughed and  
13 walked away.

14 Campbell does not currently know  
15 JC's full name.

16 As we sit here today, do you  
17 still not recall his last name?

18 A. I don't know his full name.  
19 Everyone just called him JC.

20 Q. How often did you work with JC?

21 A. I worked with him a few times, to  
22 cover Nico's route.

23 Q. Was he a courier?

24 A. He was a courier, yes.

25 Q. Okay. So -- and Jeffrey Durante,

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1 [!WITNESS NAME]

2 did you work -- did you see him often?

3 A. He worked on my belt; yes.

4 Q. So you saw each of these  
5 individuals, both JC and Jeffrey Durante,  
6 every day?

7 A. A few times a week, not every  
8 day.

9 Certain days, you don't see  
10 certain coworkers.

11 Q. And Durante was the one who said  
12 the gorilla comments about being put in a  
13 cage. You alleged he said, how about I put  
14 you in that cage like the gorilla you are?  
15 Jeffrey laughed and walked away.

16 Do you know if anyone else  
17 witnessed this?

18 A. Nobody else witnessed it.

19 But I did go inside and speak to  
20 Roberta about what was said to me, and she  
21 told me to just let it go, calm down.

22 Q. Who is Roberta?

23 A. Roberta is a woman that worked  
24 inside the office, along with Angela, but I  
25 think she worked night shift or a late shift.

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1 [!WITNESS NAME]

2 Q. What was her job title, do you  
3 know?

4 A. I don't know her job title.

5 Q. Was she a manager?

6 A. No.

7 Q. What is her race?

8 A. African American.

9 Q. And did you interact with her  
10 regularly?

11 A. Yes.

12 Q. And after you reported to her --  
13 and I am assuming you reported to her exactly  
14 what is on this page?

15 A. Uh-huh.

16 Q. What you allege in Paragraph 50,  
17 you're saying -- correct me if I am wrong --  
18 her response to you was let it go, don't  
19 worry about it?

20 A. That is how the station operates.  
21 No one wants to write a statement.

22 Q. I am not asking --

23 MS. MASSIMI: Please do not  
24 interrupt him, Mr. McGaha.

25 MR. MCGAHA: I am going to.

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1 [!WITNESS NAME]

2 MS. MASSIMI: Mr. McGaha, stop  
3 interrupting him.

4 Q. I am going to interrupt you --

5 MS. MASSINI: You are not going  
6 to interrupt him.

7 Q. -- when you don't answer my  
8 question.

9 MS. MASSIMI: Oh, really? Okay.

10 Let's call the court, then. We  
11 can call the court about this. Let's  
12 call the court about this.

13 MR. McGAHA: Be glad to.

14 MR. BRODSKY: Off the record,  
15 Counselor?

16 MR. McGAHA: We need to be off  
17 the record, but we can stay on the  
18 record.

19 MR. BRODSKY: Okay. The time is  
20 13:54. We are off the record.

21 (Whereupon, we are off the video  
22 record; however, stenographic notes will  
23 be taken in reference to contacting the  
24 court.)

25 MR. McGAHA: What number did you

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1 [!WITNESS NAME]

2 call?

3 MS. MASSIMI: The same one that  
4 you called, I believe, 718-804-2740.

5 MR. McGAHA: Yup.

6 MS. MASSIMI: Okay. So we just  
7 attempted to --

8 MR. McGAHA: We can come back to  
9 that.

10 MS. MASSIMI: -- to call  
11 chambers, and there was no answer.

12 The reason we are calling  
13 chambers is because Mr. McGaha has said  
14 I am going to interrupt when you don't  
15 answer the question to the witness,  
16 which is inappropriate.

17 I am going to ask again, stop  
18 interrupting the witness.

19 Q. Okay. I will ask you again,  
20 Mr. Campbell, to answer my questions.

21 MR. BRODSKY: Excuse me, Counsel.  
22 Do you want to be on the record.

23 MS. MASSIMI: Yes, please.

24 MR. McGAHA: Sorry about that.

25 MR. BRODSKY: Please stand by.

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1 [!WITNESS NAME]

2 The time is 13:56. We are on the  
3 record.

4 MR. McGAHA: Do you want to make  
5 the statement again while we are on  
6 video?

7 MS. MASSIMI: Yes. I believe the  
8 statement was already captured by the  
9 court reporter.

10 But Mr.McGaha has stated to the  
11 witness, quote, I am going to interrupt  
12 you when you don't answer my question,  
13 closed quote.

14 The witness has been answering  
15 Mr. McGaha's questions for the last four  
16 hours. It is completely inappropriate  
17 for Mr. McGaha to characterize the  
18 record otherwise, and to interrupt the  
19 witness.

20 MR. McGAHA: Thankfully, I don't  
21 need to characterize the record. I  
22 think the record speaks for itself.

23 I think throughout the deposition  
24 Mr. Campbell has been instructed by his  
25 counsel to not answer questions that I

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1 [!WITNESS NAME]

2 have asked him that are very appropriate  
3 questions and within the scope of  
4 discovery.

5 Even if they weren't, she still  
6 does not have the authority to make  
7 those objections, speaking objections  
8 that she has been making throughout the  
9 deposition.

10 MS. MASSIMI: Discoverability is,  
11 in fact, the standard, and what you're  
12 saying right now is a gross  
13 overexaggeration.

14 So you are continuing to  
15 mischaracterize the record. You have  
16 already upset the witness once. You  
17 have already brought him to tears. It  
18 is obviously not enough for you.

19 Please proceed with your  
20 questioning.

21 MR. McGAHA: Are you finished?

22 MS. MASSIMI: I have asked you to  
23 proceed with your deposition, Mr. McGaha.

24 MR. McGAHA: Are you finished?

25 MS. MASSIMI: Please proceed with

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1 [!WITNESS NAME]

2 your deposition.

3 MR. McGAHA: Are you finished?

4 MS. MASSIMI: Mr. McGaha, you are  
5 cutting into your own time.

6 MR. McGAHA: No, I am really not.

7 MS. MASSIMI: You are.

8 MR. McGAHA: We can be all night.  
9 That is fine with me.

10 MS. MASSIMI: Okay. Please  
11 proceed with your questions.

12 MR. McGAHA: I am here until  
13 Saturday, so --

14 MS. MASSIMI: Okay.

15 MR. McGAHA: -- we can stay until  
16 then.

17 MS. MASSIMI: Well, the Federal  
18 Rules of Civil Procedure give you seven  
19 hours. It has been four hours so far.

20 Please proceed.

21 MR. McGAHA: Not if you are  
22 making speaking objections throughout.

23 MS. MASSIMI: I am asking to  
24 proceed.

25 MR. McGAHA: Throughout the

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1 [!WITNESS NAME]

2 deposition.

3 MS. MASSIMI: I am asking you to  
4 proceed with your questioning.

5 Q. Mr. Campbell, if I ask a yes or  
6 no question, I need you to answer the  
7 question yes or no.

8 MS. MASSIMI: Objection.

9 Q. If you need to elaborate on the  
10 question, or explain it, or provide context,  
11 you're welcome to do that.

12 But I am asking you a yes or no  
13 question for a reason.

14 MS. MASSIMI: Objection.

15 Q. If I ask you a question about a  
16 specific person, I don't want you to give me  
17 an answer about what happens generally.

18 MS. MASSIMI: Objection.

19 Q. Unless and until after you have  
20 answered my question, you need to provide  
21 some context to that, you're welcome to.

22 MS. MASSIMI: Objection.

23 Q. But I really need you to answer  
24 my questions and answer yes or no questions  
25 particularly, when they are asked of you.

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1 [!WITNESS NAME]

2 Does that make sense?

3 MS. MASSIMI: You really need him  
4 to give answers other than the answers  
5 he has been given you.

6 What he has been doing here is  
7 testifying completely and truthfully,  
8 which is what is required.

9 Please proceed with your  
10 questioning.

11 Q. Did what I say make sense,  
12 Mr. Campbell?

13 MS. MASSIMI: You don't have to  
14 respond to that.

15 Q. Mr. Campbell, did what I say make  
16 sense?

17 MS. MASSIMI: Excuse me, sir.

18 I just instructed the witness not  
19 to answer that question.

20 You can proceed with your  
21 questions.

22 MR. McGAHA: Again, witness's  
23 counsel has instructed her client not to  
24 answer my question.

25 MS. MASSIMI: You are harassing

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1 [!WITNESS NAME]

2 the witness.

3 Please proceed.

4 Q. Mr. Campbell, I am going to ask  
5 you a yes or no question, and I need you to  
6 answer it for me.

7 MS. MASSIMI: Objection.

8 Q. All right.

9 MS. MASSIMI: Objection.

10 Q. I asked --

11 MR. McGAHA: As a matter of fact,  
12 Court Reporter, can you go back and  
13 repeat the last question that was asked  
14 before we took a break?

15 (Previous question was read  
16 back.)

17 THE COURT REPORTER: Do you need  
18 the answer, or no?

19 MR. McGAHA: I don't need the  
20 answer.

21 THE COURT REPORTER: Okay.

22 MS. MASSIMI: Did you get my  
23 objection to that question, please?

24 Q. Can you answer the question.

25 A. What is the question again?

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1 [!WITNESS NAME]

2 I am sorry. Can you repeat the  
3 question.

4 Q. When -- was it Robin, did you say  
5 her name was?

6 A. Roberta.

7 Q. Roberta.

8 When Roberta told you, don't  
9 worry about it, let it go --

10 Well, is that what she said,  
11 first of all?

12 MS. MASSIMI: Objection.

13 You can answer the question.

14 A. Yes.

15 Q. That is what Roberta said to you  
16 after you reported to her exactly what you  
17 have alleged here in paragraph 50, correct?

18 A. Yes.

19 Q. All right. And who, if anyone,  
20 else did you report this to?

21 A. She was the only person that I  
22 spoke to about it.

23 Q. So you didn't tell Monty Bovell,  
24 correct?

25 A. Yes.

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1 [!WITNESS NAME]

2 Q. All right. You didn't tell Eric  
3 Wanders, correct?

4 A. Yes.

5 Q. You didn't tell -- you didn't  
6 report this to HR, correct?

7 A. Yes.

8 Q. At this time, you understood that  
9 Lance Reyes was the HR manager, correct?

10 A. Yes.

11 Q. All right. And you knew that you  
12 could have reported this incident to any of  
13 the three of those people, correct?

14 A. Yes.

15 Q. So, when Roberta said, let it go,  
16 don't worry about it, how did you respond?

17 A. I just went back into the cage to  
18 sort the boxes.

19 Q. You didn't say anything else to  
20 her?

21 A. No.

22 Q. Did you say anything to JC or to  
23 Jeffrey Durante?

24 A. I stopped speaking to them after  
25 that incident.

1 [!WITNESS NAME]

2 Q. So no, you did not?

3 A. No.

4 Q. Did you say anything else to  
5 Henry Nunez about this incident after it  
6 occurred?

7 A. No. I wouldn't say anything else  
8 to Henry, because he already proved to me  
9 that he wasn't going to protect me in  
10 situations like that.

11 Q. Okay. When did he prove that to  
12 you?

13 A. He has never proven it to me.

14 Q. You said he did prove it?

15 A. I said he did not. He didn't.

16 Q. You said he did not prove to you.  
17 Explain what you mean?

18 A. Due to the prior incident, Henry  
19 didn't stand up for me, so I didn't see a  
20 purpose of going to him again and telling him  
21 about this situation.

22 Q. Which prior incident are you  
23 referring to?

24 A. The one with Rob.

25 Q. Okay. Which was the month prior.

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1 [!WITNESS NAME]

2 This happened allegedly in July  
3 of 2020, the Rob incident, you said at or  
4 around the time of Lorenzi's suspension, in  
5 paragraph 42?

6 A. Which would be in June.

7 Q. Okay. Right. So about a month  
8 later?

9 A. About.

10 Q. All right. And if you help me  
11 understand, if you believed in June that  
12 Nunez was not going to assist you in  
13 responding to allegations of discrimination,  
14 can you explain to me why you did not go to  
15 someone else about this incident that you  
16 described in paragraph 50?

17 A. Because it was extremely frowned  
18 upon to tell managers any discrepancies that  
19 you had on a day to day, so I didn't feel  
20 comfortable going to any manager, because the  
21 manager was present when I was being  
22 disrespected.

23 Q. Okay. You said it was frowned  
24 upon.

25 Why do you believe it frowned



1 [!WITNESS NAME]

2 upon?

3 A. Because so many people had  
4 grievances, and never made a report, because  
5 they were all scared of retaliation in some  
6 sort.

7 Q. Who are these people?

8 A. Some of my coworkers.

9 Q. Can you name them?

10 A. I can name a few.

11 Q. Yeah.

12 A. Nico Navas, Adamel Spencer.

13 Q. Give me one second.

14 A. Laudy Rendon.

15 Q. Can you slow down for a second?

16 A. Yes.

17 Q. I just want to make sure I write  
18 these names down.

19 Nico Navas?

20 A. Which is Enrique, which I worked  
21 with.

22 Q. Right.

23 A. Adamel Spencer.

24 Q. Okay.

25 A. Laudy Rendon.

1 [!WITNESS NAME]

2 Q. How do you spell Laudy?

3 A. L-A-U-D-Y.

4 Q. Last name?

5 A. Ren -- I think she got married.

6 It used to be Acosta, but now it  
7 is R-E-N-D-O-N.

8 Q. Okay. Anyone else?

9 A. No one else that comes to mind  
10 right now, no.

11 Q. And what is Laudy Rendon's race?

12 A. She is Dominican.

13 Q. You said that Nico is Italian?

14 A. And I believe Ecuadorian. I am  
15 not sure, though, so you can't quote me on  
16 that. I am not sure what it is.

17 Q. Okay. Maybe of Latino descent?

18 A. Possibly.

19 Q. Latino and Italian.

20 And then Adam Spencer is black?

21 A. Yes.

22 Q. You said that these are  
23 individuals who had incidents that occurred  
24 that they did not report?

25 A. Yes.

1 [!WITNESS NAME]

2 Q. Okay. And the reason why they  
3 did not report it was because what?

4 A. They felt like they would be  
5 retaliated against, or treated differently.

6 MS. MASSIMI: Can we take a  
7 five-minute break, 2:12?

8 MR. McGAHA: Sure.

9 MR. BRODSKY: The time is 14:07.  
10 We are off the record.

11 (Whereupon, a short recess was  
12 taken.)

13 MR. BRODSKY: The time is 14:14.  
14 We are on the record.

15 Q. Before we took a break,  
16 Mr. Campbell, you mentioned three people:  
17 Nico Navas, Adamel Spencer and Laudy Rendon,  
18 who you said would have made allegations of  
19 discrimination; is that right? Please  
20 correct me, if I am wrong.

21 A. Yes.

22 Q. But that they didn't, because  
23 they feared retaliation; is that correct?

24 A. Yes.

25 Q. How do you know that, with

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1 [!WITNESS NAME]

2 respect to each one of these individuals?

3 A. I have been in situations with a  
4 few of them where they thought about writing  
5 a report and chose not to, because it is not  
6 accepted in the depot.

7 Q. Can you give me -- let's start  
8 with Nico.

9 Can you explain the situation or  
10 situations that you had with her?

11 A. Nico is a man, Enrique.

12 Q. I am sorry, yes. Enrique. Let  
13 me write that down.

14 Nico, is his nickname?

15 A. Yeah.

16 Q. Can you explain an incident or  
17 the incidents -- incident or incidents where  
18 you said he would have made a report, but  
19 that he chose not to, because he feared  
20 retaliation?

21 A. Uh-huh.

22 Q. Go ahead.

23 A. When Henry was our manager, I  
24 would go out with Nico to the mall.

25 And one day, Nico wanted to leave

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1 [!WITNESS NAME]

2 early while we were on the road, because he  
3 felt like his son was sick.

4 And he called Henry and told him,  
5 and Henry, quote, unquote, said, I don't give  
6 a fuck if your son is sick or not. You are  
7 going to finish the route.

8 And Nico wanted to write a  
9 statement, and he didn't write a statement  
10 because he felt like it was a waste of time.

11 Q. Okay. You said that he didn't  
12 write a statement because he feared  
13 retaliation, so that is different than being  
14 a waste of time.

15 A. Well, he felt like it would be a  
16 waste of time, because he would get  
17 retaliated against, so he didn't -- there is  
18 no confidence. He didn't have any confidence  
19 in our management system.

20 Q. Did he tell you this?

21 A. I worked with him every day.

22 Q. That is a yes or no question.

23 MS. MASSIMI: Objection.

24 You can answer the question.

25 Q. Did he tell you that he did not

1 [!WITNESS NAME]

2 report it because he had no confidence in  
3 this system, which is what you just said?

4 MS. MASSIMI: Objection.

5 You can answer the question.

6 A. Yes. He told me plenty of times  
7 that he wants to write statements, but it is  
8 a waste of time. He feels like they are  
9 going to treat him differently.

10 Q. Okay. Is there another example,  
11 other than the one where he --

12 A. Yes.

13 Q. -- told Henry that his son was  
14 sick? Okay. Let's go through.

15 A. One peak, which is our Christmas  
16 season, I worked with Laudy Rendon.

17 Q. Oh, wait. Are we going to Laudy  
18 now, or -- I am so sorry.

19 A. No, we are on Laudy.

20 Q. Okay. So that is the only  
21 instance that you can think of from Enrique?

22 A. Yes.

23 Q. And was there -- so you said  
24 during that conversation, after he called and  
25 said my son is sick, and Nunez said, I don't

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1                                   [!WITNESS NAME]

2           give a fuck about your son being sick, you  
3           all had the discussion; and at that time,  
4           your testimony today is that Nico told you  
5           that he would report it, but he didn't think  
6           it would be worth his time, he thought it  
7           would be a waste of time, right?

8                           MS. MASSIMI:  Objection.

9                           You can answer the question.

10                   A.       I am sorry.  What was the  
11                   question?

12                   Q.       At the time that incident  
13                   occurred where you witnessed --

14                   A.       I was there.

15                   Q.       -- Nico call Mr. Nunez and say,  
16                   can I get off early, because my son is sick.  
17                   Nunez responded by saying essentially, I  
18                   don't care that your son is sick.

19                           MS. MASSIMI:  Objection.  That  
20                   wasn't -- if you want to quote  
21                   testimony, go ahead and quote it.

22                   Q.       All right.

23                           What did he say?

24                           MS. MASSIMI:  He has already  
25                   answered that question.

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1 [!WITNESS NAME]

2 You are the one reading his  
3 testimony back to him, or purporting to.

4 You are mischaracterizing it.

5 Q. Well, I am mischaracterizing.

6 You tell me what he said.

7 MS. MASSIMI: He has already done  
8 that.

9 I will let him answer the  
10 question.

11 Go ahead. What did he say?

12 MR. McGAHA: He has to answer the  
13 question. You are not letting him. He  
14 needs to.

15 MS. MASSIMI: Mr. McGaha, you  
16 can't harass him by asking him the same  
17 question that he has directly answered  
18 multiple times.

19 MR. McGAHA: So if I ask him the  
20 question, and I repeat back to him what  
21 he said, I am mischaracterizing his  
22 testimony; but if I ask him the  
23 question, and he has already answered,  
24 you object and say it is asked and  
25 answered.

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1 [!WITNESS NAME]

2 MS. MASSIMI: Do you understand  
3 there is a court reporter taking down  
4 his responses so that you don't have to  
5 keep it in your memory?

6 MR. McGAHA: I do understand.

7 MS. MASSIMI: So that you don't  
8 have to keep in your memory. You don't  
9 have to ask him multiple times so you  
10 can memorize it.

11 MR. McGAHA: So glad it is on  
12 video.

13 MS. MASSIMI: Okay. So are we,  
14 because Mr. Campbell is here testifying  
15 fully, completely and accurately.

16 I don't know why you think this  
17 is funny, Mr. McGaha.

18 Q. Mr. Campbell?

19 MR. McGAHA: I don't think it is  
20 funny.

21 MS. MASSIMI: But you have been  
22 laughing this whole time.

23 MR. McGAHA: The record speaks  
24 for itself.

25 I have not been laughing the

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1 [!WITNESS NAME]

2 whole time.

3 MS. MASSIMI: You are smirking  
4 right now. Please respect the process  
5 and respect the witness and proceed with  
6 your questions.

7 MR. McGAHA: Let's take a break.

8 MR. BRODSKY: The time is 14:19.  
9 We are off the record.

10 (Whereupon, a short recess was  
11 taken.)

12 MR. BRODSKY: The time is 14:23.  
13 We are on the record.

14 Q. Mr. Campbell, you testified that  
15 on one instance, Enrique Navas told you that  
16 he would not report an incident related to  
17 his son being sick, and Nunez responded by  
18 saying, what did he say?

19 What did you say that Henry Nunez  
20 said?

21 A. He didn't give a fuck if your --  
22 his son was sick.

23 Q. Henry Nunez said, I don't give a  
24 fuck if your son is sick.

25 And you, in response to that, you

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1 [!WITNESS NAME]

2 heard Enrique say that he would report the  
3 incident, but that he thought it would be to  
4 no avail, or nothing that would be done about  
5 it; is that right?

6 MS. MASSIMI: Objection.

7 You can answer the question.

8 A. Yes.

9 Q. And did you -- did he explain why  
10 he believed that there would nothing done  
11 about it?

12 A. Yes.

13 Q. Okay. What did he say?

14 A. Every time an employee makes a  
15 complaint, nothing is ever done about it.

16 Q. All right.

17 A. And that he knows of, and he has  
18 been there longer than I have.

19 Q. That is what he told you?

20 A. That is what he told me.

21 Q. Okay. At that time, you had made  
22 two complaints, right?

23 One was initially -- the first  
24 one was when you reported to Mr. Wanders that  
25 Ontaneda had made a statement about black

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1 [!WITNESS NAME]

2 people working and not wanting to work,  
3 right?

4 A. Yes.

5 Q. And you also said that as a  
6 result of that, something was done about it.

7 And excuse me. I said Ontaneda.

8 This was Nunez, said black people  
9 were essentially lazy, didn't like to work.

10 And you reported that to  
11 Mr. Wanders, and that Mr. Wanders had Nunez  
12 come and apologize to you, right?

13 A. Yes.

14 Q. Was something done about that  
15 incident?

16 A. Not long term. That was in the  
17 moment.

18 Q. Yes or no?

19 MS. MASSIMI: Objection.

20 Q. Was something done about that  
21 incident?

22 MS. MASSIMI: Objection. He has  
23 answered the question. He has answered  
24 this question multiple times. You  
25 cannot force him to give a specific

Page 235

1 [!WITNESS NAME]

2 answer.

3 Q. I am trying to understand your  
4 testimony. That is why we are here today.

5 MS. MASSIMI: His testimony has  
6 been clear.

7 Please proceed with your  
8 deposition. We are asking you to please  
9 proceed with your questions. His answer  
10 is not going to change.

11 Q. Did you believe something was  
12 done about it?

13 A. In the moment, yes.

14 Q. And there was another incident  
15 that you reported Mr. Lorenzi, and we talked  
16 about that.

17 And in that instance, I believe  
18 it is even in your complaint, Mr. Lorenzi was  
19 suspended as a result of the statement that  
20 he made to you, wasn't he? Look at paragraph  
21 42.

22 MS. MASSIMI: I don't see that  
23 this paragraph -- okay. Yes.

24 A. What was the question?

25 MS. MASSIMI: This paragraph does

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1 [!WITNESS NAME]

2 not say necessarily that Lorenzi was  
3 suspended related to that.

4 Q. Was Lorenzi suspended as a result  
5 of the incident that occurred?

6 A. But the Nico situation with Henry  
7 was when Henry was still our manager. That  
8 was before this.

9 Q. I am not talking about that.

10 MS. MASSIMI: Please do not  
11 interrupt the witness.

12 MR. McGAHA: There was no  
13 question for me --

14 MS. MASSIMI: He was answering  
15 your question.

16 MR. McGAHA: No, he was not.

17 MS. MASSIMI: Mr. McGaha?

18 MR. McGAHA: He was speaking  
19 about something that had nothing to do  
20 with what I asked.

21 MS. MASSIMI: Mr. McGaha, this is  
22 question, answer; question, answer;  
23 question, answer. That is how it goes.

24 You ask a question, he answers.

25 Q. Mr. Campbell, Mr. Lorenzi was

1 [!WITNESS NAME]

2 suspended as a result of the incident that  
3 occurred with you, right, where you alleged  
4 that he called you Trayvon, and made that  
5 comment about the water in the projects.

6 Was Lorenzi suspended as a result  
7 of that, yes or no?

8 A. Yes. I found out later, he was  
9 suspended.

10 Q. Okay. Thank you.

11 There were two instances that  
12 occurred that you reported where something  
13 did happen, right, that the situations were  
14 rectified?

15 MS. MASSIMI: Objection.

16 You can answer.

17 Q. Let me ask you this way.

18 There were two instances that you  
19 reported at that time.

20 At the time that you are  
21 alleging -- at the time that you allege that  
22 you and Nico had this discussion, do you  
23 remember when that was?

24 A. That was around the time when his  
25 son was first born, so that was before the

1 [!WITNESS NAME]

2 suspension of Lorenzi.

3 Q. Okay.

4 A. And after Henry said the comments  
5 about black people.

6 Q. Thank you for clarifying.

7 So that happened between those  
8 two instances?

9 A. Yes.

10 Q. So there was evidence prior to  
11 that incident that you were aware of where  
12 action was taken as a result of you making a  
13 report, correct?

14 MS. MASSIMI: Objection.  
15 You can answer.

16 A. Yes, action was taken.

17 Q. Okay. And after he had that  
18 discussion with you, you and -- you -- and I  
19 am talking about Enrique -- had that  
20 discussion. You reported another incident  
21 which was the Lorenzi incident, correct?

22 A. Yes.

23 Q. All right. And as a result,  
24 Lorenzi was suspended, was he not?

25 A. Yes.



1 [!WITNESS NAME]

2 Q. Okay. So was there any other  
3 incident related to Enrique where he told you  
4 that he would report something, but chose not  
5 to?

6 A. That was the only time.

7 Q. Okay. So then, you were about to  
8 tell me about Laudy Rendon, right?

9 A. Yes.

10 Q. Okay. Let's talk about that.  
11 So what instance or instances  
12 occurred where Laudy Rendon told you that she  
13 would have reported something, but chose not  
14 to do?

15 A. Okay. I worked with Laudy during  
16 peak, which is our holiday season.

17 Q. What year?

18 A. I don't remember what year  
19 specifically. I worked with her more than  
20 one peak.

21 Q. Okay. Do you remember what --  
22 the incident you were getting ready to tell  
23 me about, you don't remember what year this  
24 particular peak occurred?

25 A. I am not sure. I don't recall.

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1 [!WITNESS NAME]

2 Q. All right. Sometime in the four  
3 years you were working there, during one of  
4 the peak seasons you had a discussion with  
5 Laudy Rendon?

6 A. Yes.

7 Q. Tell me about that.

8 A. She was pregnant at the time, so  
9 they sent me out with her, because all she  
10 had to do was drive. I would do all the  
11 heavy lifting and driving.

12 One day, Frank and her got into  
13 an argument.

14 Q. Frank who?

15 A. The manager, Frank Ontaneda.  
16 Sorry if I am mispronouncing his name.

17 They got into a big argument.

18 This is before we left the  
19 building. I ran into Frank in the break  
20 room, which is the kitchen.

21 He says to me, she is probably  
22 not even pregnant.

23 So I went to Laudy and told Laudy  
24 what Frank had said, because she was already  
25 upset because he felt like she didn't want to

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1 [!WITNESS NAME]

2 work because she was pregnant.

3 Q. She was upset because he felt  
4 like she didn't want to work?

5 A. Yes.

6 Q. I don't understand that.  
7 What do you mean?

8 MS. MASSIMI: Objection.

9 You can answer the question.

10 A. Frank and Laudy got into a big  
11 argument during the morning sort.

12 Q. Okay.

13 A. Frank felt that Laudy didn't want  
14 to work because she was pregnant.

15 Q. Okay.

16 A. So they would often go back and  
17 forth.

18 Q. Okay.

19 A. I ran into Frank in the break  
20 room.

21 Q. Okay.

22 A. Frank turns to me and says, Laudy  
23 is probably not even really pregnant.

24 Q. Okay. Okay.

25 And then what happened?

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1 [!WITNESS NAME]

2 A. So I then went to Laudy and said,  
3 listen, Frank made a comment about you not  
4 being pregnant.

5 She said, I would report him, but  
6 I don't feel like it would do anything.

7 Q. Okay. Did you ever consider  
8 reporting Frank for this?

9 A. No. I didn't know that was  
10 possible, at the time. At the time, I didn't  
11 know that other people could make reports on  
12 behalf of other people.

13 If I did, I would have.

14 Q. But you know that you can,  
15 though?

16 A. I know that now, yes.

17 Q. Okay.

18 A. Because she actually lost the  
19 baby that year.

20 Q. But you don't remember what year  
21 it was?

22 A. I am not sure.

23 Q. Okay. Do you recall whether or  
24 not this incident occurred before or after  
25 the Lorenzi incident that we have discussed?

1 [!WITNESS NAME]

2 A. I don't remember.

3 Q. Do you know if it occurred before  
4 or after the Nunez incident that we  
5 discussed?

6 A. The black --

7 Q. Yes.

8 A. -- comments?

9 Q. Yes.

10 A. It happened after that, for sure.

11 Q. All right. Did you have any  
12 other instances or discussions with Laudy  
13 about her telling you that she would have  
14 reported something, but chose not to?

15 A. No.

16 Q. And she said that she would not  
17 report it, because she didn't think anything  
18 would be done about it, or what did she tell  
19 you why she didn't want to report it?

20 A. Yes. I believe I said why.  
21 She said that in my last  
22 statement.

23 Q. What was it, just so we are  
24 clear?

25 MS. MASSIMI: Objection.

1 [!WITNESS NAME]

2 A. The general --

3 MS. MASSIMI: You can answer.

4 A. The general rule of thumb is no  
5 one wants to report anything, 'cause no  
6 worker of that station wants to make any  
7 statements because they are in fear of  
8 retaliation and something being done to them  
9 or being treated differently.

10 Q. Is that what she said?

11 A. That is the general consensus of  
12 the station.

13 Q. That is not what I asked.

14 MS. MASSIMI: He has already  
15 answered that question.

16 Q. Is that what she said?

17 A. Yes.

18 Q. Okay. What about Adamel Spencer?  
19 What instances can you recall today where he  
20 told you he would report something, but chose  
21 not to?

22 A. Adamel Spencer was constantly  
23 being harassed by Henry Nunez.

24 Henry started giving him OLCCs  
25 for stuff that other drivers would do.

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1 [!WITNESS NAME]

2 And Adamel Spencer wanted to  
3 write a statement for harassment from Henry,  
4 but was also in fear of retaliation.

5 Q. How do you know he was in fear of  
6 retaliation?

7 A. He saw how I was treated after I  
8 made a statement about Peter.

9 Q. Okay. Did he tell you that he  
10 was in fear of retaliation?

11 A. Yes.

12 Q. He told you that verbally?

13 A. Yes.

14 Q. Do you remember exactly what he  
15 said?

16 A. I don't remember his exact  
17 verbiage, no. Verbiage, no.

18 Q. And he was going to report what,  
19 exactly?

20 A. Harassment from Henry Nunez.

21 Q. And the harassment was the OLCCs?

22 A. The OLCCs.

23 Him and Henry didn't get along  
24 from when Henry was our manager.

25 But Henry would also stick his

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1 [!WITNESS NAME]

2 authority into Monty's belt and just give  
3 Spencer a hard time.

4 Q. Okay. Was it just Spencer, or  
5 was he giving other people a hard time, too?  
6 I am trying to understand.

7 A. It was just Spencer.

8 Q. So Henry Nunez was singling  
9 Spencer out to give him a hard time, is what  
10 you are saying?

11 A. Yes.

12 Q. And this is what Spencer told  
13 you?

14 A. Yes.

15 Q. So Henry Nunez didn't give any of  
16 the other African American employees a hard  
17 time?

18 A. After he left the belt, not to my  
19 knowledge, no.

20 Q. Any other instance?

21 A. That is all I can think of right  
22 now.

23 Q. So there are three instances, one  
24 from each one of these individuals that you  
25 mentioned?

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1 [!WITNESS NAME]

2 A. Yes.

3 Q. Okay. Let's see.

4 And the reason why you did not  
5 report this is because you believe nothing  
6 would be done about it, and because you  
7 feared retaliation, is that what you are  
8 testifying?

9 MS. MASSIMI: What are you  
10 referring to?

11 MR. McGAHA: I am referring to  
12 paragraph 50.

13 A. Yes.

14 MS. MASSIMI: Oh, I didn't  
15 realize you were back talking about  
16 that.

17 A. Yeah. I didn't know that,  
18 either. Yes.

19 MR. MASSIMI: Okay.

20 Q. Yes. All right.

21 In hindsight, do you think that  
22 you should have notified HR of this incident?

23 A. In hindsight, I should have  
24 wrotten [sic] a statement every single time  
25 one of these situations have arise.

1 [!WITNESS NAME]

2 Q. I am asking you, in hindsight, do  
3 you believe you should have notified HR of  
4 this incident?

5 MS. MASSIMI: He has answered  
6 this question.

7 A. I think I just answered.

8 MR. McGAHA: No, he didn't answer  
9 my question.

10 MS. MASSIMI: Yes, he did.

11 MR. McGAHA: He did not answer my  
12 question.

13 MS. MASSIMI: He did answer your  
14 question, Mr. McGaha.

15 Please proceed with the  
16 deposition.

17 Q. In hindsight, do you believe that  
18 you should have notified HR of this incident?

19 MS. MASSIMI: Objection.

20 You can answer the question.

21 A. Yes. It is possible.

22 Q. All right.

23 In hindsight, do you believe that  
24 you should have notified Monty Bovell of this  
25 incident?

1 [!WITNESS NAME]

2 A. Yes, it is possible.

3 Q. In hindsight, do you believe you  
4 should have notified Eric Wanders of this  
5 incident?

6 A. Yes, it is possible.

7 Q. And you didn't notify any of the  
8 three of those individuals, did you?

9 A. No, because I didn't feel  
10 comfortable enough to tell them what was  
11 going on.

12 Q. And at that point, you had not  
13 been retaliated against -- let me ask you, at  
14 that point, had you been retaliated against  
15 in any way?

16 MS. MASSIMI: Objection. You can  
17 answer.

18 At what point are you referring  
19 to?

20 MR. McGAHA: At the time that  
21 this incident occurred?

22 MS. MASSIMI: Which incident are  
23 you referring to?

24 MR. McGAHA: Talking about  
25 paragraph 50.

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1 [!WITNESS NAME]

2 THE WITNESS: Oh.

3 MS. MASSIMI: Still on paragraph  
4 50. Got it.

5 MR. McGAHA: We haven't moved on.

6 Q. At the time the incident occurred  
7 that is described in paragraph 50, had you  
8 been retaliated against?

9 MS. MASSIMI: Objection.

10 You can answer the question.

11 A. In terms of work?

12 Q. This happened in July of 2020?

13 A. Yes.

14 Q. You allege retaliation in your  
15 complaint?

16 A. Yes.

17 Q. So you understand what  
18 retaliation is?

19 A. Yes.

20 Q. At the time that this incident  
21 occurred, in July of 2020, had anyone at  
22 FedEx retaliated against you?

23 MS. MASSIMI: Objection.

24 You can answer.

25 Q. For having reported

1 [!WITNESS NAME]

2 discriminatory or harassing conduct?

3 MS. MASSIMI: Objection.

4 You can answer the question.

5 A. No. I wasn't retaliated at this  
6 time in July of 2020, no.

7 Q. All right. Paragraph 51.

8 A few days after this incident,  
9 David Almeda, another courier for Defendant,  
10 walked over to where Campbell was standing  
11 with two managers, Michael Bradley and  
12 Pasqualicchio?

13 MR. CHRISTOPHE: Pasqualicchio.

14 MR. McGAHA: You say it much  
15 better than me. Pasqualicchio.

16 Q. Pasqualicchio, in front of these  
17 two managers, Almeda said of Campbell,  
18 doesn't this guy look like someone who would  
19 steal your car radio and then try to sell it  
20 back to you?

21 Almeda's comments was an  
22 abhorrent -- comment was an abhorrent use of  
23 the long-standing racially discriminatory and  
24 false characterization of black people as  
25 criminals.

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1 [!WITNESS NAME]

2 All right. Let's start from the  
3 top.

4 MS. MASSIMI: Objection.

5 Q. So what type of relationship did  
6 you have with Almeda?

7 A. None.

8 Q. Did you see him on a daily basis?

9 A. Seen him maybe once or twice a  
10 month.

11 He worked on a different belt  
12 than me.

13 Q. But you all were peers? You all  
14 were all were the same level, as far as the  
15 job?

16 A. Yeah.

17 Q. What is Almeda's race, if you  
18 know?

19 A. Hispanic.

20 Q. Where did the incident occur?

21 A. By the cage, in the depot.

22 Q. Did anyone witness this, other  
23 than Bradley and Pasqualicchio?

24 A. It was just Mike, Steve, which is  
25 Pasqualicchio, Almeda and me.

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1 [!WITNESS NAME]

2 Q. We will call him Steve.

3 A. I believe that is his name,  
4 Steve.

5 Q. All right. Fantastic.

6 A. I am not sure.

7 Q. So those are the only two people  
8 that saw it --

9 A. Yes.

10 Q. -- as far as you know?  
11 When he said this, how did you  
12 respond, if at all?

13 A. I was actually having a  
14 conversation with Steve about past  
15 situations.

16 And after David Almeda said that  
17 to me, I looked at Steve and said, do you see  
18 what I have to deal with on a regular basis?

19 And Steve looked at Michael  
20 Bradley, and he just sighed. That was at the  
21 reaction that I got from them.

22 Q. Did you respond to them, sighing  
23 in any way?

24 A. I was upset. I was hurt.

25 Q. Did you say anything?

1 [!WITNESS NAME]

2 A. No.

3 Q. So you just walked away?

4 A. I just stood there and looked at  
5 them.

6 Q. Did you say anything to Almeda?

7 A. I didn't say anything to Almeda.

8 Q. Okay. And you are sure he was  
9 talking to you?

10 MS. MASSIMI: Objection.

11 You can answer the question.

12 A. Yes, I am -- was sure he was  
13 talking to me.

14 Q. How do you know that?

15 A. I was the only black person  
16 there.

17 Q. Okay. This doesn't say anything  
18 about being black.

19 This says, does this look like  
20 this -- doesn't this guy look like someone  
21 who would steal your car radio and then try  
22 to sell it back to you.

23 How do you know he was talking  
24 about you?

25 A. He pointed at me.

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1 [!WITNESS NAME]

2 Q. So he pointed at you?

3 A. Yes.

4 Q. And did you report this to  
5 anyone?

6 A. No. There were two managers  
7 present, again, for another situation.

8 Q. So there was no mention of your  
9 race, correct?

10 MS. MASSIMI: Objection.

11 You can answer the question.

12 A. No.

13 Q. All right. But you considered  
14 this to be a racially offensive statement?

15 MS. MASSIMI: Is that a question?

16 Q. Did you --

17 MR. McGAHA: He just testified he  
18 believed it to be a racial offensive  
19 statement.

20 MS. MASSIMI: You are making  
21 statements.

22 So ask him if you have a  
23 question.

24 Q. Did you consider this to be a  
25 racial offensive statement?

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1 [!WITNESS NAME]

2 A. Yes.

3 Q. Thank you.

4 And after having -- after Almeda  
5 made this statement to you at this time, was  
6 Monty Bovell your manager?

7 A. Yes.

8 Q. Do you think that most African  
9 Americans would have found this statement to  
10 be offensive?

11 A. Yes.

12 Q. Or considered to be a racially  
13 offensive statement?

14 A. Yes.

15 Q. Do you think Monty Bovell would  
16 have been offended by it?

17 A. Yes.

18 Q. Did you ever consider notifying  
19 him about it?

20 A. No, because there were two  
21 managers present.

22 Q. Right. But neither one of  
23 managers were African American, were they?

24 A. Doesn't matter. They are a  
25 manager.

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1 [!WITNESS NAME]

2 Q. So let me get this straight:

3 There was no -- there no  
4 indication from the statement itself, or any  
5 mention of anyone's race, correct?

6 MS. MASSIMI: Objection.

7 Which question do you want him to  
8 answer? There was no indication, or no  
9 mention.

10 Q. Was there any mention of anyone's  
11 race at all --

12 MS. MASSIMI: Objection.

13 You can answer.

14 Q. -- in this statement?

15 MS. MASSIMI: You can answer the  
16 question.

17 A. No.

18 Q. Okay. And at that time, you  
19 had -- you considered the statement to be  
20 offensive because you believed it was a  
21 racist statement, right?

22 A. Yes.

23 Q. And you believed an African  
24 American person, any African American person  
25 would consider it to be a racist statement,

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1 [ !WITNESS NAME ]

2 correct?

3 A. Yes.

4 Q. And you said the two managers who  
5 you say witnessed were not African American,  
6 were they?

7 A. They weren't African American,  
8 yes.

9 Q. So you had an African American  
10 supervisor who was not there, who you  
11 believed would have also found this statement  
12 to be offensive, and you chose not to notify  
13 your African American supervisor that this  
14 statement had been made, correct?

15 MS. MASSIMI: Objection.

16 You can answer the question.

17 A. Yes, because there is two  
18 managers there, yes.

19 Q. Did you ever consider reporting  
20 this to HR?

21 A. No.

22 Q. Did you consider reporting this  
23 to Mr. Wanders?

24 A. No, because the last time I made  
25 a statement, I got treated very poorly by my

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1 [!WITNESS NAME]

2 peers and my managers.

3 Q. The last time you made a  
4 statement to who?

5 A. About Peter Lorenzi.

6 Q. Okay. Now you have mentioned  
7 that you were treated poorly because you were  
8 called a snitch, right?

9 MS. MASSIMI: Objection. He  
10 testified a little more detail than  
11 that.

12 Q. How were you treated poorly?

13 MS. MASSIMI: He already  
14 testified to this, Mr. McGaha. This is  
15 nearly hour five, and you gotta move on.  
16 Move the deposition along.

17 Q. How were you treated poorly after  
18 you reported the last incident of race  
19 discrimination?

20 MS. MASSIMI: Which one are you  
21 referring to?

22 Q. You just said the last time.

23 Which last time are you referring  
24 to?

25 A. I am speaking about the statement

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1 [!WITNESS NAME]

2 that I wrote on Peter Lorenzi --

3 Q. All right.

4 A. -- for his comments.

5 Q. Okay. You said last time you had  
6 written a statement alleging racial  
7 discrimination you were treated poorly.

8 How were you treated poorly?

9 MS. MASSIMI: Objection, asked  
10 and answered.

11 You can answer the question  
12 again.

13 Q. Well, if you were treated poorly,  
14 I will answer the question based on your own  
15 testimony.

16 MS. MASSIMI: Please lower your  
17 tone when talking to the witness.

18 He is being very professional to  
19 you. I would appreciate you lowering  
20 your tone with him. Thank you.

21 MR. McGAHA: Wow.

22 Q. Mr. Campbell, you said that you  
23 were treated poorly because you were called a  
24 snitch, right?

25 MS. MASSIMI: Objection. His

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1 [!WITNESS NAME]

2 testimony was far more detailed than  
3 that.

4 That was part of his testimony.

5 You cannot mischaracterize the  
6 record like that.

7 Q. How were you treated poorly,  
8 Mr. Campbell?

9 MS. MASSIMI: Again, objection.  
10 You can answer the question.

11 A. I was treated poorly with  
12 examples such as Angela hanging up the phone  
13 on me, giving my broken power pads, Henry  
14 cutting my hours, things of that nature.

15 Q. Okay. So I want to make sure I  
16 am very specific here.

17 So the -- every instance that you  
18 were treated poorly, you said that you were  
19 being called you snitch, right? Is that one  
20 of the ways you were being treated poorly?

21 A. Yes.

22 Q. You said you had been given a  
23 broken power pad, broken power pads by  
24 Lorenzi's wife, right?

25 A. Yes.

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1 [!WITNESS NAME]

2 Q. And you said that Henry was  
3 cutting your hours, right?

4 A. Oh, she was hanging up on me,  
5 also.

6 Q. Oh, hanging up on you.  
7 And you said that Henry was  
8 cutting your hours?

9 A. Yes.

10 Q. I thought you said the hours  
11 started being cut after the first incident?

12 A. Okay. This is what happened with  
13 the hours. Let's just revisit that.

14 My hours were normal. Henry  
15 started to cut them.

16 Q. When?

17 A. In 2018.

18 Q. Okay.

19 A. Right before then, he made the  
20 comments about black people.

21 Henry -- Eric told him to make it  
22 right and apologize.

23 Immediately after he apologized,  
24 my hours went back to normal.

25 After some time passed, Henry



1 [!WITNESS NAME]

2 decided to start cutting my hours again.

3 Then Monty became my manager.

4 Monty told me out of his own mouth that my

5 hours being cut was specifically Henry's

6 doing, because I started going out with

7 another courier by the name of Jeff. What is

8 Jeff's last -- I cannot remember his last

9 name. It starts with an L.

10 Q. When did he cut your hours again?

11 A. He cut -- again, he cut my hours

12 shortly before Monty became my manager again.

13 He went back to that.

14 Q. Okay. So the first incident

15 happened in the summer of 2018, right?

16 A. Uh-huh.

17 Q. That was when he made the

18 comments, you said your hours after that went

19 back to normal?

20 A. He cut -- he cut my hours before

21 he made those comments.

22 Q. He cut your hours before the

23 comment was made?

24 A. Yes.

25 Q. Okay.

1 [!WITNESS NAME]

2 A. Then he made the comments.

3 After he made the comments, we  
4 made amends. He apologized, then my hours  
5 went back to normal. He said, it is fine.  
6 You can work with Nico all day.

7 That gap where things were  
8 happening, and no one was reporting it,  
9 eventually he started cutting my hours again.

10 Q. But you don't know when?

11 A. I can't give you a specific date  
12 and month, no, but it was around the time  
13 Monty became my manager.

14 Q. So that would have been two years  
15 later?

16 A. Possibly, yes. Yes. Yes.

17 Q. So your hours were normal between  
18 2018 and 2020?

19 A. Yes, because I was going out with  
20 swing drivers and Nico.

21 Q. So if he did retaliate against  
22 you by cutting your hours, it would have been  
23 two years after you made this report, right,  
24 of him saying that black people were lazy?

25 A. Yes.

1 [!WITNESS NAME]

2 Q. Okay. Got it. All right. So  
3 thank you for clarifying that.

4 MS. MASSIMI: Objection.

5 Q. So is there any other way that we  
6 have not discussed -- you just named, I  
7 believe, four ways: That was the -- being  
8 called a snitch, the cutting of your hours,  
9 and Ms. Lorenzi hanging up on you and giving  
10 you broken power pads.

11 At this point, Paragraph 51, we  
12 are talking about, had there been any other  
13 instances of you being retaliated against  
14 after having reported someone for  
15 discrimination and harassment?

16 A. You named a few of them. You  
17 named most of them.

18 Q. I want to name all of them, so I  
19 need all the other ones. I want to make sure  
20 I have them all.

21 A. Yeah, that is them, right there.

22 Q. That is it?

23 A. Yeah.

24 Q. Okay. Thank you.

25 A. That come to my mind right now,

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1 [!WITNESS NAME]

2 yes.

3 Q. I need you to think as hard as  
4 you can, 'cause I only get one opportunity to  
5 take your deposition, so if there is another  
6 instance --

7 A. Oh, we will get to that instance  
8 before we leave.

9 Q. Well, if you can think of it now.

10 A. Oh, when I was terminated, that  
11 was another, yeah.

12 Q. Okay. That was the --

13 A. We will get to that.

14 Q. That was the end. Gotcha.

15 Those are the only ones that we  
16 are talking about here, right?

17 MS. MASSIMI: Those are the ones  
18 that you are talking about.

19 A. No. I mean, there is other  
20 things I feel that we didn't get to it.

21 MS. MASSIMI: Right.

22 A. We didn't get to it yet.

23 Q. Right. Let's --

24 A. So I can't give you all of them  
25 right now, 'cause we are going to get to them

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1 [!WITNESS NAME]

2 anyway.

3 Q. No, I want to get to them now.

4 I want you tell me, up to this

5 point --

6 MS. MASSIMI: Which point?

7 MR. McGAHA: Paragraph 51.

8 A. Oh, so up until that point, yes.

9 Q. Gotcha.

10 A. Yes. Up to that point, yes.

11 I thought you meant the whole

12 time I was there, yes.

13 Q. No, up to Paragraph 51.

14 And do you have any documentation  
15 that this incident occurred, other than your  
16 memory?

17 A. No.

18 Q. Paragraph 52, I believe you  
19 testified to this, but we well talk about it.

20 Campbell immediately turned to  
21 Bradley and Pas -- Steve. We will call him  
22 Steve -- two managers, and said, see, this is  
23 what I am dealing with. You just heard David  
24 come up to me and say that.

25 This comment from Plaintiff to

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1 [!WITNESS NAME]

2 Bradley and Steve constituted yet another  
3 complaint of racial discrimination from  
4 Campbell to Defendant.

5 MS. MASSIMI: I am sorry. What?

6 Q. It says -- please correct me if I  
7 am reading this incorrectly, but it says,  
8 this comment from Plaintiff to Bradley was --  
9 Bradley and Steve constituted yet another  
10 complaint of racial discrimination from  
11 Campbell to Defendant, yet Defendants took no  
12 action to protect Campbell from the blatant  
13 discrimination and retaliation.

14 I don't quite understand the  
15 second sentence.

16 MS. MASSIMI: Objection.

17 Q. So I am going to ask you to  
18 explain it to me.

19 So you're saying that the comment  
20 from Plaintiff to Bradley and Steve  
21 constituted yet another complaint of racial  
22 discrimination from Campbell to Defendant.

23 So what you're saying here is  
24 that by saying to Bradley and Steve, see,  
25 this is what I am dealing with you, just

1 [!WITNESS NAME]

2 heard David come up to me and say that you  
3 felt like you were reporting discrimination?

4 A. Yes.

5 Q. Okay. Did you say -- other than  
6 what you have quoted here, did you say  
7 anything to either one of them that would  
8 indicate that you believed it was racially  
9 based, what they said was racially based?

10 A. I didn't think I needed to say  
11 much, because they witnessed it.

12 Q. That is a yes or no question.

13 MS. MASSIMI: He has answered the  
14 question.

15 MR. McGAHA: No, he has not.

16 MS. MASSIMI: Yes, he has.

17 MR. McGAHA: That is not an  
18 answer to my question.

19 MS. MASSIMI: He has answered  
20 your -- all of your questions.

21 MR. McGAHA: That is not an  
22 answer to my question --

23 MS. MASSIMI: -- for the last  
24 five hours.

25 MR. McGAHA: That is not an

1 [!WITNESS NAME]

2 answer to my question.

3 MS. MASSIMI: Despite your  
4 attempts to interrupt him.

5 MR. McGAHA: This would be a  
6 perfect opportunity to get the court on  
7 the phone.

8 MS. MASSIMI: Sure.

9 MR. McGAHA: And we can stop with  
10 that last question.

11 MS. MASSIMI: Perfect.

12 MR. McGAHA: We can go off the  
13 video record.

14 MR. BRODSKY: The time is 14:54.  
15 We are off the record.

16 (Whereupon, we are off the video  
17 record; however, stenographic notes will  
18 be taken in reference to contacting the  
19 court.)

20 THE COURT CLERK: (Inaudible.)

21 MS. MASSIMI: Hi. This is  
22 Jessica Massimi. I am Plaintiff's  
23 counsel in a case that is currently  
24 before the judge. We are calling from a  
25 deposition.

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2 THE COURT CLERK: Can I have the  
3 case number?

4 MS. MASSIMI: 22 --

5 THE COURT CLERK: Did you guys  
6 call earlier this afternoon?

7 MS. MASSIMI: We did call  
8 earlier, yes.

9 THE COURT CLERK: (Inaudible.)

10 MS. MASSIMI: We are having great  
11 difficulty hearing you.

12 THE COURT CLERK: Are you with  
13 opposing counsel at this time?

14 MS. MASSIMI: Yes. Both counsel  
15 are here, and there is a court reporter  
16 present, taking everything down.

17 THE COURT CLERK: Okay. Should  
18 she get on the line, the court reporter  
19 is no longer needed. We will be  
20 recording that session.

21 But at this time, do you mind if  
22 I put you on a brief hold?

23 (Inaudible.)

24 MS. MASSIMI: Okay. No problem.  
25 We will wait.

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1 [!WITNESS NAME]

2 THE COURT CLERK: Counsel, okay.

3 Do you have a pen and paper? You  
4 are going to need yourself, plus defense  
5 counsel, to get on a court phone line.

6 And the court reporter that you  
7 have there will not be needed. We are  
8 going to record the session.

9 MS. MASSIMI: Just for clarity,  
10 are you saying you need our court  
11 reporter, or you don't?

12 THE COURT CLERK: No, we do not.

13 MS. MASSIMI: So you are going to  
14 give me a number?

15 THE COURT CLERK: 888-808-6929.

16 And the access code is 9281384.

17 And that is for yourself and for defense  
18 counsel to join immediately after this  
19 phone call.

20 MS. MASSIMI: Okay. We will call  
21 now. Thank you.

22 (Whereupon, a recess was taken at  
23 3:01 p.m., and stenographic notes are no  
24 longer being taken.)

25 MR. BRODSKY: The time is 15:13.

1 [!WITNESS NAME]

2 We are on the record.

3 MR. McGAHA: All right. Thank  
4 you.

5 Q. We are still discussing paragraph  
6 52 of the complaint Exhibit 9. All right.

7 My question to you, Mr. Campbell,  
8 is did you tell either Mr. Bradley or Steve  
9 P -- Steve, the person that you mentioned as  
10 the second person in paragraph 52, did you  
11 tell them that you believed that the comment  
12 that was made to you by Mr. Almeda in  
13 paragraph 51 was racially offensive?

14 MS. MASSIMI: Objection.

15 You can answer the question  
16 again.

17 A. Yes.

18 Q. You told them that you --

19 A. I expressed it to them, yes.

20 Q. How did you express it to them?

21 A. I feel like it was obvious that  
22 it was a racial joke that wasn't funny.

23 Q. Did you tell them in words that  
24 you believed that the comment was racially  
25 offensive?

1 [!WITNESS NAME]

2 A. No.

3 Q. Is it your testimony that you  
4 believed that they should have interpreted  
5 the comment to be racially offensive?

6 A. Yes.

7 Q. And by them interpreting your  
8 comment as being -- or let me scratch that.

9 You are alleging in paragraph 52  
10 that when you said, quote, see, this is what  
11 I am dealing with, you just heard David come  
12 up to me and say that you believed that you  
13 were reporting discriminatory conduct in that  
14 instance; is that correct?

15 A. Yes. I feel that is a form of  
16 reporting, because they were present.

17 Q. All right. And you had no issue  
18 with any retaliation in that instance?

19 MS. MASSIMI: Objection.

20 You can answer.

21 A. No, not in that instance.

22 Q. And why not?

23 A. The retaliation came after.

24 Q. Okay. So you testified earlier  
25 that you did not report, or that there was a

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1 [!WITNESS NAME]

2 general consensus that reporting would lead  
3 to retaliation, correct? Is that what you  
4 testified to?

5 A. Yes.

6 Q. But in this incident in Paragraph  
7 52 you have testified that you were reporting  
8 discrimination, at least this is what you  
9 interpreted as a report of discrimination?

10 A. Uh-huh, yes.

11 Q. Why didn't you fear retaliation  
12 in that instance?

13 A. Two managers were there present.  
14 That is why I didn't fear retaliation in that  
15 instance.

16 Q. Okay. Do you have any other  
17 documentation or any documentation other than  
18 your memory about this particular incident?

19 A. No.

20 Q. Did you speak to anyone else  
21 about this incident after it occurred?

22 A. No.

23 Q. In hindsight, do you believe that  
24 you should have reported this to HR?

25 A. In hindsight, I feel like I

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1 [!WITNESS NAME]

2 should have reported every racial statement  
3 that was said to me.

4 Q. To whom?

5 A. Eric, HR, anyone that wasn't a  
6 manager in the station, just to get it on  
7 record.

8 Q. Okay. Paragraph 54.

9 A few days later, in about in  
10 about July 2020, Bradley confronted Campbell  
11 in his office about Campbell's prior  
12 complaint of racial discrimination against  
13 Lorenzi, demanding Campbell, quote, do you  
14 and Peter normally joke like this, end quote.

15 And quote, Peter has a dark sense  
16 of humor, end quote. All right.

17 Can you -- first of all, you said  
18 in his office.

19 Whose office was it, your office  
20 or his office?

21 A. It was Michael Bradley's office.  
22 He was a manager.

23 Q. Okay. So Bradley's office.  
24 How did the conversation begin?

25 A. He came up to me in a very

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1 [!WITNESS NAME]

2 sincere way and asked me to come into his  
3 office to speak about the situation with  
4 Pete.

5 He closed the door behind me,  
6 which was a common practice when managers  
7 wanted to speak to employees, so I didn't  
8 think anything was weird about it, because it  
9 was something that happened all the time.

10 And then he started to ask me  
11 these cryptic questions with his phone in his  
12 shirt pocket.

13 Q. What type of cryptic questions  
14 did he ask you?

15 A. He would ask me questions like,  
16 do you and Pete joke like this all the time?  
17 Because, you know, Pete has a dark sense of  
18 humor, and some people just don't get it.

19 And then I responded to him that  
20 I don't joke with anyone like that about  
21 race, their wives, their kids.

22 That is just something that I  
23 responded, I just don't find stuff like that  
24 fun.

25 Q. Was there anyone else present?

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1 [!WITNESS NAME]

2 A. No. He closed the door, so it  
3 was just me and him present.

4 Q. You said he had his phone in his  
5 pocket.

6 Did you suspect that he was  
7 recording you?

8 A. Yes.

9 Q. Did you ask if he was recording  
10 you?

11 A. No, because he was my manager,  
12 and I was scared I would get fired.

13 Q. Was he your direct manager at the  
14 time?

15 A. He is not my direct manager. He  
16 is a PM manager, but all managers have the  
17 same power and influence.

18 Q. Okay. He was a manager?

19 A. Yes.

20 Q. Okay. So how long did the  
21 conversation last?

22 A. About five minutes.

23 Q. Other than these two quoted  
24 statements in paragraph 54, do you remember  
25 anything else that he said?



1 [!WITNESS NAME]

2 A. That was the basis of the  
3 conversation. He just wanted to check up on  
4 me and see how I was doing.

5 Q. And this happened in July of  
6 2020, is that your current --

7 A. Yes.

8 Q. -- recollection?

9 A. Yes.

10 Q. Which would have been about a  
11 month later, at least a month later?

12 I believe the Lorenzi incident  
13 happen June 1st?

14 A. (Witness indicating.)

15 Q. Okay. Did you feel like Bradley  
16 asking you these questions was discriminatory  
17 or harassment?

18 A. I feel like, yes, I believe that  
19 I was being harassed, because he is also  
20 friends with Peter Lorenzi.

21 Q. Can you explain what you mean by  
22 that? Why do you believe that him being  
23 friends with Peter Lorenzi amounts to him  
24 harassing you?

25 MS. MASSIMI: Objection.

1 [!WITNESS NAME]

2 You can answer the question.

3 A. I believe that he felt that if he  
4 could prove in some shape or form that I was  
5 lying, that would help Peter's case.

6 Q. At that time, Peter, as far as  
7 you understand, Peter had already been  
8 suspended, correct?

9 A. Yes. That is why I don't  
10 understand why Michael Bradley needed to  
11 speak with me in his office privately about a  
12 situation he wasn't present for.

13 Q. Is it possible that you  
14 misinterpreted Bradley's intentions?

15 A. No.

16 That is just what happened.  
17 Those are the facts.

18 Q. But I asked you whether or not  
19 you believed it was -- it constituted  
20 harassment or discrimination?

21 A. Yes. I definitely felt harassed.

22 Q. Did you tell him that?

23 A. I wouldn't tell him that, because  
24 I was scared to be retaliated against.

25 Q. Did you tell him that? Yes or

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1 [!WITNESS NAME]

2 no?

3 A. No.

4 MS. MASSIMI: Objection.

5 What is so funny, Mr. McGaha?

6 MR. McGAHA: I am not answering  
7 questions, your witness is.

8 MS. MASSINI: Okay. Let's just  
9 be professional.

10 MR. McGAHA: Exactly.

11 MS. MASSIMI: No smirking.

12 MR. McGAHA: Yeah, you could use  
13 a few tips on that.

14 MS. MASSIMI: I don't think so.

15 Q. Mr. Campbell, did you report this  
16 to anyone?

17 A. No.

18 Q. Why not?

19 A. Because I was scared.

20 Q. Who were you afraid of?

21 A. People that were friends with  
22 Peter and management.

23 Q. What people?

24 A. Managers like Michael Bradley  
25 that were friends with Peter Lorenzi. People

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1 [!WITNESS NAME]

2 like Henry Nunez that are friends with Peter  
3 Lorenzi. Those are examples of people. Eric  
4 Wanders, who is friends with Peter Lorenzi.

5 Those are people that I was  
6 scared of. That is why I didn't make any  
7 reports, because I was in fear of getting in  
8 more trouble.

9 Q. You were in fear of getting in  
10 more trouble.

11 Were you in trouble?

12 A. I was scared that I was going to  
13 get terminated.

14 Q. Because they were friends with  
15 Peter Lorenzi?

16 A. Yes.

17 Q. That is why you believed you  
18 would be terminated?

19 A. Yes, because they were upset.

20 Q. What indication did you have that  
21 any of these individuals were upset?

22 A. No one protected me. No one  
23 said, we are going to make a statement  
24 anyway. No one stood up for me. Everyone  
25 just allowed it to happen. That is why.

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1 [!WITNESS NAME]

2 Q. But I asked you, that may be the  
3 case, based on your understanding, or how you  
4 interpreted it.

5 But what I am asking you is what  
6 evidence do you have that led you to believe  
7 that they were upset, that they were upset  
8 about what happened with Peter Lorenzi and  
9 you?

10 MS. MASSIMI: Objection.

11 You can answer that question.

12 A. They started to treat me  
13 different. They stopped speaking to me.  
14 They started giving me cold shoulders. They  
15 started to try to write me up for the most  
16 smallest things, like my labeling packages  
17 when I got back in the building, which a lot  
18 of couriers don't do, things like that.

19 MS. MASSIMI: Before we go to the  
20 next question, I think we need to stop,  
21 because I have to call into the court in  
22 a few minutes.

23 MR. McGAHA: Okay.

24 MS. MASSIMI: Hopefully this will  
25 only take a couple of minutes, ten

1 [!WITNESS NAME]

2 minutes.

3 So if not, I will e-mail you and  
4 let you know, but it should just be like  
5 ten minutes, so 3:40, unless you  
6 actually want to take a longer break  
7 now.

8 MR. McGAHA: You want to just  
9 grab some food?

10 MS. MASSIMI: People want to come  
11 back at 4:00?

12 MR. McGAHA: Sure.

13 MS. MASSIMI: Okay.

14 MR. BRODSKY: The time is 15:23.  
15 We are off the record.

16 (Whereupon, a lunch recess was  
17 taken.)

18 MR. BRODSKY: The time is 16:11.  
19 We are on the record.

20 Q. Mr. Campbell, hopefully we won't  
21 be here too much longer, but I do have some  
22 more questions for you.

23 And I believe when we stopped, we  
24 were on paragraph 54 of the complaint, which  
25 is Exhibit 9.

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1 [!WITNESS NAME]

2 Do you still have that in front  
3 of you?

4 A. Yes.

5 Q. Okay. Fantastic. So I will just  
6 read that back again on the record.

7 I am sorry, we were on Paragraph  
8 56, I apologize. And that paragraph, it  
9 says, during this conversation alone in  
10 Bradley's office, Bradley weirdly began to  
11 confront Campbell about certain parts of  
12 Campbell's complaints against Lorenzi as if  
13 Bradley were cross-examining Campbell or  
14 trying to get him to say certain parts of his  
15 discrimination claim were not true.

16 All right. So I believe you  
17 testified that you did not tell him that you  
18 felt uncomfortable during that conversation,  
19 correct?

20 A. I believe that was stated in my  
21 statement to him and to the management team  
22 when it happened.

23 Q. What statement?

24 A. The statement about Peter. That  
25 is what you are referring to.

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1 [!WITNESS NAME]

2 Q. I am referring to your discussion  
3 with Bradley, your discussion about Peter --  
4 about Peter in Bradley's office.

5 So did you -- let me clarify my  
6 question, and make sure you understand it.

7 When you had this discussion with  
8 Bradley, you testified that he was asking you  
9 cryptic weird questions. Those were your  
10 adjectives that you used, right?

11 A. Yes.

12 Q. Did those questions make you feel  
13 uncomfortable?

14 A. Yes.

15 Q. I believe you testified that you  
16 believed that him even asking you those  
17 questions was harassment, correct?

18 MS. MASSIMI: Objection.

19 Q. Did you testify that you believed  
20 him asking you those questions constituted  
21 harassment?

22 MS. MASSIMI: Objection. That is  
23 not what he said.

24 MR. McGAHA: I am asking him a  
25 yes or no question. He can say no.

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1 [!WITNESS NAME]

2 MS. MASSIMI: Well actually, what  
3 the judge said was you need to ask  
4 better questions, if you want a yes or  
5 no.

6 MR. McGAHA: That is not what the  
7 judge said.

8 MS. MASSIMI: But you can answer  
9 the question again.

10 MR. McGAHA: We are going to be  
11 here for a long time.

12 MS. MASSIMI: You don't need to  
13 threaten us.

14 MR. McGAHA: I am not threatening  
15 you.

16 MS. MASSIMI: Mr. McGaha, you  
17 can't change the facts of what happened.

18 You can answer the question,  
19 Mr. Campbell.

20 A. Can you ask the question again?

21 Q. Sure.

22 You testified earlier that you  
23 felt uncomfortable when Mr. Bradley was  
24 asking you those questions, correct?

25 A. Yes.

1 [!WITNESS NAME]

2 Q. In his office about the Lorenzi  
3 incident, correct?

4 A. Yes.

5 Q. You also testified that you  
6 believed or you perceived his questioning of  
7 you to be harassment.

8 Did you say that earlier today  
9 in, your testimony?

10 A. I feel that --

11 Q. That is a yes or no. You can  
12 explain.

13 MS. MASSIMI: Objection.

14 MR. McGAHA: Nope.

15 MS. MASSIMI: Objection.

16 MR. McGAHA: That is absolutely  
17 what the judge has already ruled on.  
18 That is a yes or no question.

19 A. A yes or no question.

20 Q. Please listen to my question very  
21 carefully.

22 If I ask a yes or no question,  
23 please answer it yes or no, and then you  
24 explain it. Does that makes sense?

25 MS. MASSIMI: That is not

1 [!WITNESS NAME]

2 necessarily what the judge said.

3 Q. Does that makes sense?

4 A. Yes.

5 Q. Thank you.

6 Did you perceive Mr. Bradley's  
7 questioning of you as it related to the  
8 Lorenzi incident as harassment, yes or no?

9 A. I believe he was harassing me.

10 Q. Is that a yes or no? Yes, you  
11 did, or no, you did not?

12 A. Yes, I believe he was bothering  
13 me.

14 Q. Thank you. Did you report that  
15 harassment to anyone?

16 A. No. I didn't feel like it would  
17 go anywhere.

18 Q. All right. Did you tell him that  
19 you believed his conduct was harassment?

20 A. No.

21 Q. And in hindsight today, if you  
22 can do it again, would you have notified  
23 someone that you believed that his conduct  
24 was harassing him, being Bradley's conduct  
25 questioning you? Would you tell someone or

1 [!WITNESS NAME]

2 report that, if you had an opportunity to do  
3 so today?

4 MS. MASSIMI: Objection.

5 You can answer the question.

6 A. My answer stays the same every  
7 time you ask the question.

8 In hindsight, if I knew what I  
9 know now, I would report every single  
10 incident that was racial to someone. I would  
11 just keep looking for different people to  
12 report it to, and what I know now.

13 MS. MASSIMI: Can you please mark  
14 that last question and answer.

15 Q. Thank you. All right.

16 Speaking of -- we talked about  
17 Mr. Bovell, who was your direct manager  
18 starting June 16th of 2020, who is African  
19 American. I have sitting next to me another  
20 manager at FedEx named Michael Christophe.

21 Do you know Mr. Christophe?

22 A. Yes, I know Michael Christophe.

23 Q. What is Mr. Christophe's title,  
24 or what was it when you were there?

25 A. I believed he was a manager under

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2 Eric. I am not sure of the correct title.

3 Q. Okay. But you understood that he  
4 reported to Eric?

5 A. Yes.

6 Q. Eric Wanders?

7 A. Yes.

8 Q. So is it your understanding, or  
9 was it your understanding when you were  
10 there, that he would have been on the same  
11 management level as, let's say, Michael  
12 Bradley or Monty Bovell?

13 A. Yes. All the managers have the  
14 same influence and power; that is correct.

15 Q. Do you understand that when Eric  
16 Wanders was not there, in other words, if he  
17 were away, or taking vacation, was  
18 Mr. Christophe in charge?

19 A. Yes. He was in charge, yeah.

20 Q. Okay. So that would make him  
21 even a level sort of above the other managers  
22 because, he is sort of a vice, if you will,  
23 senior manager? Does that makes sense?

24 MS. MASSIMI: Objection.

25 You can answer the question.

1 [!WITNESS NAME]

2 A. Yes.

3 Q. Okay. Thank you.

4 So did you ever consider  
5 reporting any discriminatory or harassing or  
6 retaliatory conduct do Mr. Christophe?

7 A. I would just like to say it seems  
8 like you are making it seem like I can only  
9 report racial discrepancies to people of  
10 color, that someone that is Hispanic and  
11 white, they are not worthy.

12 I have to go to an African  
13 American 'cause you are using Michael  
14 Christophe and Monty as examples. You are  
15 basically saying, why don't you just go to  
16 the black. You are like saying, why don't  
17 you just go to the black managers, because  
18 they will understand you? You are kind of  
19 saying that these other managers are racist.

20 Q. Have I mentioned Mr. Christophe's  
21 race?

22 A. He is black. He is right here.

23 Q. Did I say anything about his  
24 race?

25 A. You are about to.

1 [!WITNESS NAME]

2 MS. MASSIMI: Mr. Campbell can  
3 speak. Mr. Christophe is sitting right  
4 there. Let's not insult his  
5 intelligence, okay?

6 MR. McGAHA: Excuse me? Excuse  
7 me?

8 MS. MASSIMI: There is no excuse  
9 for your behavior.

10 MR. McGAHA: This is your  
11 client's deposition, not yours.

12 MS. MASSIMI: Yeah. And he is  
13 testifying. Don't argue with him.

14 MR. McGAHA: I am asking  
15 Mr. Campbell whether or not I mentioned  
16 his race.

17 MS. MASSIMI: You don't have to  
18 mention his race in order for  
19 Mr. Campbell to make an observation.

20 Q. Did I mention his race?

21 MS. MASSIMI: Hold on a second.  
22 You don't have to mention his race in  
23 order for Mr. Campbell to make an  
24 observation.

25 Q. Mr. Campbell, did I mention

1 [!WITNESS NAME]

2 Mr. Christophe's race?

3 A. No.

4 Q. Thank you.

5 What is Mr. Christophe's race,  
6 since you brought it up?

7 A. He is black.

8 Q. Did you ever consider reporting  
9 any discriminatory conduct based on race to  
10 Mr. Christophe?

11 A. No. Me and Mike didn't have a  
12 close relationship, so I never really spoke  
13 to Mike, only in the morning during the  
14 splitting of the belt. I never really spoke  
15 to Mike.

16 Q. Did you feel like you needed to  
17 have a close relationship with a manager in  
18 order to report --

19 A. I am just --

20 Q. Excuse me. Discriminatory,  
21 harassing or retaliatory conduct?

22 A. No, because the managers that I  
23 didn't consider myself close to were present  
24 when it was happening.

25 Q. So you could have reported

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1 [!WITNESS NAME]

2 discrimination to any manager, whether you  
3 had a close relationship or not.

4 Did you understand that to be the  
5 case when you were there?

6 A. Yeah.

7 Q. So you believed that you were  
8 being harassed or discriminated against based  
9 on your race, you could have reported that to  
10 Mr. Christophe, couldn't you?

11 A. Are you saying that because he is  
12 black?

13 Q. No. I am asking you because I am  
14 asking you.

15 You don't have to -- don't  
16 interpret my question, just answer it.

17 MS. MASSIMI: Objection.

18 Objection. Do not speak down to the  
19 witness.

20 MR. McGAHA: I am not speaking  
21 down to the witness.

22 MS. MASSIMI: You are. You are  
23 being rude.

24 MR. McGAHA: I am asking a  
25 question.

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1 [!WITNESS NAME]

2 MS. MASSIMI: You are being rude  
3 to the witness.

4 MR. McGAHA: Okay. Thank you.

5 MS. MASSIMI: Who is being very  
6 gracious to you.

7 MR. McGAHA: Listen, please, if  
8 you don't want us to be here longer than  
9 we need, can you please stop making  
10 speaking objections?

11 MS. MASSIMI: We are not worried  
12 about how long you need to ask your  
13 questions over and over again.

14 MR. McGAHA: Okay. Good.

15 MS. MASSIMI: He is answering all  
16 your questions. His answers are not  
17 going to change.

18 MR. McGAHA: Okay.

19 MS. MASSIMI: Maybe you want to  
20 go home.

21 MR. McGAHA: I don't.

22 MS. MASSIMI: Okay.

23 MR. McGAHA: I am here.

24 MS. MASSIMI: 'Cause you keeping  
25 making that threat, maybe it is a bit of

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1 [!WITNESS NAME]

2 projection. Maybe you and your  
3 colleague sitting next to you want to go  
4 home.

5 MR. McGAHA: Are you done?

6 MS. MASSIMI: You can proceed  
7 with your deposition.

8 MR. McGAHA: Thank you. Please  
9 be quiet while I ask a question.

10 MS. MASSIMI: Mr. McGaha, if you  
11 tell me be quiet one more time, you are  
12 going to open a big can of worms. Don't  
13 talk to me like that. You are very  
14 rude. You are annoyed that you can't  
15 get under the witness' skin.

16 MR. McGAHA: I am not.

17 MS. MASSIMI: Proceed with your  
18 deposition.

19 MR. McGAHA: I am not. I am not  
20 annoyed at anything except the fact that  
21 your client wouldn't answer the  
22 questions.

23 MS. MASSIMI: The witness has  
24 answered all your questions. Proceed.

25 MR. McGAHA: Don't tell me to

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1 [!WITNESS NAME]

2 proceed. I will ask the questions at my  
3 own pace.

4 MS. MASSIMI: You can proceed.

5 MR. McGAHA: I can do whatever I  
6 want to do.

7 MS. MASSIMI: Proceed.

8 MR. McGAHA: How I want to do it,  
9 it is my deposition, not yours.

10 MS. MASSIMI: Okay. Sure.  
11 Please proceed.

12 MR. McGAHA: Please allow me to  
13 proceed by stop talking.

14 MS. MASSIMI: We are waiting. We  
15 are all waiting.

16 MR. McGAHA: You are going to  
17 continue to.

18 MS. MASSIMI: Okay. It is  
19 ticking down your time.

20 MR. McGAHA: No, it is not.

21 MS. MASSIMI: It certainly is.

22 MR. McGAHA: No. You are ticking  
23 down your time.

24 MS. MASSIMI: I don't know what  
25 that means.

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1 [!WITNESS NAME]

2 Q. Mr. Campbell, let's look at  
3 paragraph 59. It says, for example, Bradley  
4 immediately began taking the unusual steps of  
5 reprimanding and disciplining Campbell for  
6 not labeling packages, something that is  
7 common practice to not do, and something for  
8 which other employees were not reprimanded  
9 for, since there is a clear job position  
10 which labels packages at night, okay.

11 Can you explain what you mean  
12 when you say he immediately began taking  
13 unusual steps to reprimand and discipline you  
14 for not labeling packages?

15 A. Yes. Michael Bradley was in  
16 charge of the PM sort, so they dealt with the  
17 pickups that we brought back to the building.

18 Shortly after my meeting with  
19 Michael Bradley, he would complain to me, you  
20 need to label all the packages. And I would  
21 explain to him, a lot of other -- a lot of  
22 other drivers would personally tell me they  
23 do not label packages because there is a  
24 person designated to that function for the  
25 night sort. I then received a phone call

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1 [!WITNESS NAME]

2 from Monty when I was in my car, after I  
3 already punched out. Monty stated that  
4 Michael Bradley was really upset, and that he  
5 needs to do his job. And Monty asked me  
6 kindly to come back to the building to  
7 relabel the packages, which I did. So that  
8 is an example of him disciplining me for not  
9 labeling packages, which was never an issue  
10 before my conversation with him.

11 Q. So that is what you mean by  
12 discipline?

13 A. Yes.

14 Q. So not written discipline?

15 A. No.

16 Q. Okay. Discipline means him  
17 asking you to label the packages?

18 MS. MASSIMI: Objection.

19 You can answer the question.

20 A. Yes. That is my definition of  
21 him disciplining me as a manager.

22 Q. Is it also your definition of  
23 reprimanding you?

24 A. As a manager, yes.

25 Q. And you said that there were

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1 [!WITNESS NAME]

2 other individuals who did not label packages,  
3 and that they were not reprimanded.

4 Who were those individuals?

5 A. Jeffrey, that I also worked with  
6 under Monty. I don't remember his last name,  
7 but he was an employee there. I used to do a  
8 route with him. He also stated that he does  
9 Oscar de la Renta, which is a really big  
10 pickup, and he doesn't label any boxes  
11 because it takes too long, and there is  
12 someone to do it in the PM sort.

13 Q. Jeffrey, you don't remember his  
14 last name, what is his race?

15 A. He is Dominican.

16 Q. And you said that he does not  
17 label packages. And how do you know this?

18 A. He told me that he doesn't label  
19 packages.

20 Q. Do you know whether or not  
21 Mr. Bradley knew this?

22 A. I don't know what Michael Bradley  
23 knew.

24 Q. Can you name anyone -- is there  
25 anyone you can recall today who did not label

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1 [!WITNESS NAME]

2 packages and who you knew that Bradley knew  
3 that they didn't label packages?

4 A. I can only speak on the person  
5 that I worked with.

6 Q. Who was that?

7 A. Jeffrey.

8 Q. Do you know -- again, you just  
9 testified that you did not know. Do you know  
10 whether or not Bradley was aware that Jeffrey  
11 wasn't labeling packages?

12 A. He knew that I wasn't labeling  
13 them. He singled me out. That is the point  
14 that I am trying to make.

15 Q. I understand.

16 What I am asking you is you said  
17 your allegation is that you weren't labeling  
18 packages, but other people weren't either,  
19 correct?

20 A. Yes. That is a common thing that  
21 happens at the station. I can't go through  
22 all 300 employees and give you names.

23 Q. He understood and knew that you  
24 weren't labeling packages, correct?

25 A. Yes.

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1 [!WITNESS NAME]

2 Q. Do you know whether or not he  
3 knew -- he being Bradley, do you know whether  
4 or not he knew that Jeffrey was not labeling  
5 packages?

6 A. I don't know what Michael Bradley  
7 and Jeffrey talked about, so I can't give you  
8 a clear answer for that.

9 Q. So you are the only person that  
10 you know of who was reprimanded for labeling  
11 -- for not labeling packages?

12 A. Yes. That is what I am saying.

13 Q. But you also don't know if anyone  
14 else was not reprimanded who Bradley knew was  
15 not labeling package?

16 MS. MASSIMI: Objection.

17 You can answer the question.

18 A. I am sorry. Can you repeat the  
19 question?

20 Q. Yes. You don't -- you can't name  
21 anyone today who Bradley knew was not  
22 labeling the packages and who he did not  
23 reprimand?

24 A. No.

25 Q. And just so it is clear for the

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1 [!WITNESS NAME]

2 record, what the labeling packages means,  
3 just so we have an understanding?

4 A. To my knowledge, my memory is  
5 very vague when it comes to that job.

6 Is sometimes the packages, when  
7 you -- the label that the customer put on  
8 there isn't the most updated version of the  
9 label that is on the package. So sometimes  
10 you have to rescan it and get the updated  
11 version of it and put it on the box before it  
12 goes out. That is my knowledge of why you  
13 need to relabel. But my memory is very vague  
14 when it comes to the ins and out of that job.

15 Q. Were these packages that you  
16 picked up?

17 A. Yes.

18 Q. Okay. And when you say label  
19 them, label them with what?

20 A. A sticker. You have a printer  
21 that produces a sticker, and when you scan  
22 it, it prints out a sticker, and you put it  
23 on the box.

24 Q. Okay. And you are supposed to do  
25 that with all the packages?

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1 [!WITNESS NAME]

2 A. That is what they were telling  
3 me, yes, that it was a must, and it wasn't a  
4 common thing for every driver to do.

5 Q. Who is they?

6 A. FedEx management.

7 Q. Who in particular told you that?

8 A. Managers.

9 Q. Do you know anyone in particular?

10 A. Let's talk about Michael Bradley.  
11 Michael Bradley felt like I needed to put the  
12 stickers on the boxes. It was so important  
13 that he had to contact my direct manager to  
14 let him know that he had to let me know,  
15 which my direct manager Monty didn't have  
16 issue with me not putting the label on the  
17 boxes.

18 Q. But you never got an OLCC, that  
19 you know of, for this?

20 A. No, I didn't receive too many  
21 OLCCs.

22 Q. You never got a performance  
23 reminder as a result of this, that you can  
24 recall?

25 A. No. I didn't get a performance

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1 [!WITNESS NAME]

2 reminder for this stuff, either.

3 Q. Did you get a warning letter?

4 A. No. I didn't receive those. I  
5 wasn't a bad employee.

6 Q. Okay. You got a phone call from  
7 your manager. That was the reprimand and  
8 discipline?

9 MS. MASSIMI: Objection.

10 You can answer the question.

11 A. Yes.

12 Q. Let's see. All right. Paragraph  
13 60.

14 Despite the fact that it was  
15 common for employees in Campbell's position  
16 to not label packages, Bradley suddenly began  
17 screaming at Campbell for failing to do so,  
18 and even began reporting Campbell to other  
19 managers.

20 So you just described the  
21 instance where he called Monty Bovell?

22 A. Uh-huh, yes.

23 Q. And Monty Bovell called you,  
24 right? All right.

25 60 says managers, plural. So I

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1 [!WITNESS NAME]

2 believe him calling Monty Bovell and telling  
3 him that you weren't labeling packages would  
4 that be one example of him reporting to other  
5 managers that you weren't labeling packages?

6 MS. MASSIMI: Objection.

7 You can answer the question, if  
8 you understand it.

9 A. Can you repeat the question?

10 Q. Sure.

11 Look at the last part of  
12 paragraph 60. It says that Bradley began  
13 reporting Campbell to other managers.

14 A. Yes. He spoke to Monty.

15 Q. That is an example of him  
16 reporting to other managers, correct?

17 A. Yes.

18 Q. This says managers, plural, which  
19 indicates that it must have been more than  
20 one.

21 Are there any other instances, as  
22 you sit here today, that you can think of  
23 where Bradley reported you not labeling  
24 packages to another manager?

25 A. I don't recall.

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1 [!WITNESS NAME]

2 Q. So you cannot think of anyone  
3 today?

4 A. I don't recall.

5 Q. All right. You don't recall any  
6 other instances, is that what you are saying?

7 A. I don't recall any other managers  
8 off the top of my head right now.

9 Q. Okay. So do you recall that it  
10 happened?

11 A. Yes.

12 Q. You just don't know who?

13 A. I can't recall who. It is so  
14 long ago.

15 Q. Can you recall the circumstance  
16 of what happened, even if you don't remember  
17 the person's name?

18 A. Not at this moment, no.

19 Q. All right. It says he began --  
20 Bradley suddenly began screaming -- regularly  
21 screaming at Campbell, all right, for failing  
22 to label packages.

23 Can you describe what you mean by  
24 screaming?

25 A. Yes.

1 [!WITNESS NAME]

2 Q. Go ahead.

3 A. Come back off the road. I put  
4 the boxes on the belt. Mike would start  
5 screaming, you better label the boxes, stuff  
6 of that nature, which is not acceptable.

7 But I thought that was the way  
8 that this job functioned, so that is one of  
9 the examples of how he would yell at me. And  
10 this would go on for days.

11 Q. Who witnessed this?

12 A. No one. I would get back to the  
13 station so early, it would just be him. He  
14 would just see who pulls up. James would be  
15 the driver. James would go punch out. I  
16 would be stuck offloading the van that we  
17 would have. And he would just find me and  
18 start yelling for me to make sure I label the  
19 packages.

20 Q. But no one witnessed it?

21 A. No. It is a big station.

22 Q. I understand it is a big station.  
23 That is why I am asking, did anyone witness  
24 it?

25 A. The answer is no, because most of

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1 [!WITNESS NAME]

2 the employees work in the office with Angela,  
3 Roberta. The managers are usually in their  
4 offices, so the depot doesn't have a lot of  
5 foot traffic when I get back off the road.

6 MS. MASSIMI: Can you please mark  
7 these last three questions and answers.

8 Q. How loud was his voice when he  
9 was screaming?

10 A. Extremely loud.

11 Q. What do you mean by the word  
12 regularly? You said he regularly screamed at  
13 you.

14 A. He made it a habit.

15 Q. So what does regularly mean? How  
16 often does that mean?

17 MS. MASSIMI: Objection, asked  
18 and answered.

19 Objection to form, that you are  
20 asking multiple questions at a time.

21 Q. What do you mean by the word  
22 regularly?

23 MS. MASSIMI: Objection.

24 You can answer the question  
25 again.

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1 [!WITNESS NAME]

2 A. Means he would scream at me  
3 often. He made it a habit.

4 Q. Is often more than once a day?

5 A. I would see him once a day.

6 Q. Is often more than once a day?

7 A. I would only see Bradley at the  
8 end of my shift, so he wouldn't be able to  
9 scream at me more than once a day. He would  
10 scream at me at the end of my shift.

11 Q. How many days a week did you  
12 work?

13 A. I worked five days a week.

14 Q. How many days out of the week did  
15 he scream at you?

16 A. I can't give you a definite  
17 number, but more than one time a week.

18 Q. More than one a week?

19 A. Yes.

20 Q. More than twice a week?

21 A. I can't recall.

22 Q. When he screamed at you, what  
23 would he say?

24 A. I believe I told you.

25 Q. No, you didn't.

1 [!WITNESS NAME]

2 MS. MASSIMI: Yes, he did.

3 Q. Well, I am asking you again.

4 MS. MASSIMI: Okay. Don't  
5 mischaracterize his testimony. He  
6 already answered that question, so I am  
7 going to object.

8 MR. McGAHA: I can ask him 100  
9 times.

10 MS. MASSIMI: Yeah, you can ask  
11 it 100 times sure.

12 What you can't do is incorrectly  
13 say that he didn't answer it. That is  
14 mischaracterizing his testimony.

15 You can answer the question  
16 again.

17 Q. Would you like me to repeat the  
18 question?

19 A. Yeah, please.

20 Q. When he screamed at you, what did  
21 he say?

22 A. He would tell me to make sure  
23 that I put the labels on the boxes.

24 Q. Is that it?

25 A. Yes.

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1 [!WITNESS NAME]

2 Q. Did he use any profanity?

3 A. No profanity.

4 Q. Did he ever call you any names?

5 A. No.

6 Q. Did he ever make any statements  
7 that were racial in any way?

8 A. No.

9 Q. That you perceived to be racially  
10 motivated in anyway?

11 A. No, not at all.

12 Q. So he screamed at you at least  
13 once a week. You are not sure, it could have  
14 been maybe more than that, but at least once  
15 a week. It was extremely loud, and there are  
16 no witnesses?

17 A. Yeah. That depot is really big,  
18 so someone can yell at you, and that does not  
19 mean that the people in the office would  
20 hear.

21 Have you been to the depot?

22 Q. I get to ask the questions.

23 MS. MASSIMI: That is a good  
24 question, though.

25 Q. Did you report this to anyone?

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1 [!WITNESS NAME]

2 A. No, because that was a manager.

3 Q. Okay.

4 A. I didn't think that was  
5 acceptable behavior; but at the time, I just  
6 accepted it.

7 Q. Did you believe he screamed at  
8 you because of your race?

9 A. I believe that had something to  
10 do with it, yes.

11 Q. Why?

12 A. Because a black man who is not  
13 commonly perceived as a victim wrote a  
14 statement about his friend, and I think it  
15 bothered him.

16 Q. Why do you think that bothered  
17 him?

18 A. Because he is racist.

19 Q. Your testimony is that  
20 Mr. Bradley is racist; is that your  
21 testimony?

22 A. Yes.

23 Q. And what evidence do you have  
24 that Mr. Bradley is racist?

25 A. It is the same thing with all the

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1 [!WITNESS NAME]

2 managers.

3 Q. I am asking you what evidence you  
4 have that Mr. Bradley --

5 A. Okay.

6 Q. -- is racist?

7 A. I will answer your question.

8 Q. Thank you.

9 A. Him being upset that I stuck up  
10 for myself as a black male, and his friend  
11 got reprimanded for it, I believe that is  
12 more than enough to prove that he is racist,  
13 him being that upset.

14 Q. Okay. Let me ask you this,  
15 because I want to make sure I understand your  
16 testimony.

17 You testified earlier that he was  
18 upset because he was Lorenzi's friend?

19 A. Uh-huh.

20 Q. Right?

21 A. Yes.

22 Q. So if he -- if that were the  
23 case, then it wouldn't matter, would it not?  
24 Please correct me, because I want to make  
25 sure I understand your testimony and your

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1 [!WITNESS NAME]

2 understanding.

3 A. Yes.

4 Q. But if that were the case, would  
5 it matter who reported his friend, if he was  
6 angry or upset because it was his friend that  
7 was being reported?

8 MS. MASSIMI: Objection.

9 You can answer the question.

10 A. I think both of those things can  
11 be possible.

12 Q. Okay. Gotcha.

13 I am just trying to figure out  
14 the link between your race and him being  
15 upset, if you testified earlier the reason  
16 why he was upset because was Lorenzi was his  
17 friend, and he didn't like the fact that his  
18 friend was --

19 A. I believe both are possible.

20 Q. If you believe both are possible,  
21 what evidence is it that your race had  
22 anything to do with it?

23 MS. MASSIMI: Objection, asked  
24 and answered.

25 You can answer the question

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1 [!WITNESS NAME]

2 again.

3 A. Like I said before, the fact that  
4 I wrote a statement his friend got  
5 reprimanded for, and I was a black man, and  
6 it was racial discrimination, that, and then  
7 he started acting different towards me after  
8 the fact. That is more than enough to me to  
9 prove that he is racist, and that is also a  
10 part of why he was treating me the way he  
11 was.

12 Q. Okay. So you think it was based  
13 on your race, because you accused his friend  
14 of being racist?

15 MS. MASSIMI: Objection.

16 You don't have to mischaracterize  
17 his testimony. His testimony is in the  
18 record.

19 A. I am sorry, can you repeat the  
20 question?

21 Q. Sure. I will have to keep  
22 repeating my -- every time I ask it, your  
23 counsel starts testifying.

24 MS. MASSIMI: I am not  
25 testifying, I am making an objection --

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1 [!WITNESS NAME]

2 MR. McGAHA: Excuse me?

3 MS. MASSIMI: -- Mr. McGaha.

4 Making an objection that you don't need  
5 to mischaracterize his testimony.

6 Q. Mr. Campbell, is it your  
7 testimony that the reason why you believed  
8 Mr. Bradley was upset with you is because you  
9 accused his friend of racism and reported his  
10 friend for having done something that you  
11 perceived to be a racist act?

12 A. Yes, and adjacent to me being  
13 black.

14 Q. Okay. Please explain what you  
15 mean by in adjacent to you being black. I  
16 don't understand that.

17 A. What I am saying is both are  
18 equally -- the reason Mike treated me the way  
19 he did was because I was black, and I made a  
20 report about someone being racist to a black  
21 person who is also his friend.

22 Q. Okay. All right. So you're  
23 saying both are true, the fact that you  
24 reported his friend and the fact that you are  
25 black, and you accused his friend of racism?

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1 [!WITNESS NAME]

2 A. Yes.

3 Q. All right. Do you have any  
4 documentation of this incident other than  
5 your memory?

6 A. No.

7 Q. And 60 -- I suppose Paragraph 61,  
8 Bradley did this in an effort to lay the  
9 pre-textual groundwork for Campbell's  
10 termination, and it constituted further  
11 discrimination against Campbell for being a  
12 black man, and further retaliation for  
13 Campbell about his complaints of racial  
14 discrimination.

15 I believe when you say complaints  
16 of racial discrimination, are you only  
17 referring to the incident with Mr. Lorenzi,  
18 or others?

19 A. That is the one I am referring  
20 to.

21 Q. Okay. And in Paragraph 61?

22 A. Yes.

23 Q. Okay. All right.

24 Is there any evidence that you  
25 have to support Paragraph 61 we haven't

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1 [!WITNESS NAME]

2 already talked about?

3 A. Yes. Michael Bradley calling  
4 another manager to let them know that they  
5 felt like I wasn't doing my job to the best  
6 of my abilities, I feel like that is -- that  
7 is what I mean by 61.

8 Q. Who is that other manager?

9 A. Monty.

10 Q. Okay. So we talked about those?

11 A. Yeah. Yeah, we talked about this  
12 prior to this.

13 Q. What I asked you, was there  
14 anything that we have not discussed?

15 A. From Bradley?

16 Q. Whether there is any evidence to  
17 support Paragraph 61 that we have not already  
18 discussed?

19 A. No.

20 Q. Paragraph 63 you say, for  
21 example, in February 2021, Arietti?

22 A. Arietti.

23 Q. Arietti?

24 A. Yes, correct.

25 Q. A co-worker who is training to be

1 [!WITNESS NAME]

2 a manager, and whose last name is currently  
3 unknown to Campbell, saw Campbell with his  
4 car, a BMW, right? You don't remember  
5 Arietti's full name?

6 A. I don't remember the full name,  
7 no.

8 Q. It is a female?

9 A. It is a female, yes.

10 Q. Do you know her race?

11 A. She is Puerto Rican.

12 Q. Did you work with her often?

13 A. Yes.

14 Q. Okay. How often did you work  
15 with her?

16 A. She was a swing driver, so any  
17 time the driver that normally did my route, I  
18 would sometimes go out with Arietti.

19 Q. So how often was that?

20 A. It is hard to just gauge and give  
21 you a certain number, because it goes with  
22 the work flow, who is available that day.

23 Q. Was it is more than once a week?

24 A. Sometimes I would go months  
25 without working with her.

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1 [!WITNESS NAME]

2 Q. Okay. So it was sporadic?

3 A. Sporadic, yes.

4 Q. So Paragraph 64 says, upon this  
5 observation, Arietti stating to Campbell,  
6 quote, wow, you really are a black person who  
7 buys a BMW, end quote.

8 A few weeks later, without any  
9 grounds or justification, Arietti informed  
10 Campbell, when I become a manager, I am going  
11 to fire you. All right.

12 Did she tell you what she meant  
13 by the statement, when I become a manager, I  
14 am going to fire you?

15 A. I feel like that is  
16 self-explanatory.

17 Q. That is a yes or no?

18 MS. MASSIMI: Objection.

19 You can answer the question  
20 again.

21 A. Did she go into detail? Is that  
22 what you are asking me?

23 Q. When she said, oh, when I become  
24 a manager, I am going to fire you, did she  
25 explain what she meant by that?

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1 [!WITNESS NAME]

2 A. No. She said it to me when I was  
3 in the office doing some sort of training.

4 Q. Okay. And why did you perceive  
5 it to be based on race?

6 A. Because she just said that I am a  
7 real black person because I purchased a  
8 certain type of car.

9 Q. Okay. You said she just said  
10 that, but in Paragraph 64 it says a few weeks  
11 later.

12 A. Yes. That is in conjunction when  
13 she said that about me purchasing a car.

14 Q. So she says wow, you really are a  
15 black person who buys a BMW. Three weeks --  
16 a few weeks, I am guessing, let's just say  
17 three weeks later, she says, when I become  
18 manager, I am going to fire you?

19 A. Yes. I was in the office with  
20 her and Angel, which is another manager that  
21 was present.

22 Q. Angel who?

23 A. Angel who I don't know his last  
24 name. He was also a manager there.

25 Q. What is his race?

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1 [!WITNESS NAME]

2 A. Puerto Rican. I am sorry I think  
3 he is Puerto Rican. I am not sure. He is  
4 Hispanic.

5 Q. Okay. And he witnessed this?

6 A. He was there.

7 Q. For which statement, when I  
8 become a manager?

9 A. Not the BMW statement.  
10 He was there for the manager  
11 statement, because she was training to be a  
12 manager with him.

13 Q. Gotcha. So the reason why you  
14 believe that she said when I become a  
15 manager, I am going to fire you, is because  
16 three weeks before that, she said you are a  
17 black person with a BMW?

18 A. Yes.

19 Q. Can you explain why you made that  
20 connection?

21 A. If the last major conversation I  
22 had with you is a racial one, and then you  
23 are threatening me that as soon as you become  
24 a manager, you are going to fire me, I would  
25 think that would be connected.

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1 [!WITNESS NAME]

2 Q. Okay. Did she just walk up to  
3 you and tell you this, the second statement,  
4 when I become a manager, I am going to fire  
5 you, did she just tell you that out of the  
6 blue?

7 A. I believe --

8 MS. MASSIMI: Objection.

9 You can answer the question.

10 A. I believe Arietti thought that  
11 would be considered funny, and Angel laughed  
12 also.

13 I did not find it funny. It was  
14 hurtful, and it didn't make any sense to me  
15 whatsoever, that she would even say that as  
16 a -- in a joking way, because I never said  
17 anything about her becoming a manager.

18 Q. Okay. Were you all having a  
19 discussion before she made this statement, or  
20 did she walk up to you and tell you this?

21 A. So this is what happened.

22 I was at the computer,  
23 performing -- performing some kind of  
24 training module. I don't remember at the  
25 time. She was in the office.

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1 [!WITNESS NAME]

2 And Angel said that they both  
3 needed to leave. And on her way out she told  
4 me, when I become a manager, I am going to  
5 fire you. That is what she said, and that is  
6 what happened.

7 Q. Had you all spoken before she  
8 said this to you?

9 A. No.

10 Q. How did you respond when she said  
11 this to you?

12 A. I didn't say anything, just like  
13 all the other times, because a manager was  
14 present, so I didn't say anything.

15 Q. Who was the manager?

16 A. Angel.

17 Q. He heard her say this?

18 A. Yes, because he laughed.

19 Q. Okay. You're saying he was a  
20 management employee at that time?

21 A. Yes.

22 Q. And did you mention anything to  
23 him about it?

24 A. No.

25 Q. Did you tell anyone that you

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1 [!WITNESS NAME]

2 believed that her statement was offensive?

3 A. No.

4 Q. Or that it was racist?

5 A. No. I didn't say anything to  
6 anyone.

7 Q. Paragraph 65. At or about this  
8 time, James, whose last name is currently  
9 unknown to Campbell, and who is one of  
10 Lorenzi's friends, began asking Campbell  
11 questions about his BMW and memorizing  
12 Campbell's license plate number.

13 Do you remember James's last  
14 name?

15 A. It starts with a D. I don't  
16 remember his last name. I am sure Mike  
17 Christophe would be able to find it.

18 Q. Okay. What types of questions  
19 did he ask you?

20 A. He asked me about a dash cam that  
21 I recently had bought for my car. And he  
22 would ask me hey, if I walked up to the car,  
23 would it send a message to your phone. If  
24 someone bumped into your car, would it send a  
25 message to your phone? And I told him yes.

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1 [!WITNESS NAME]

2 But the dash cam actually wasn't  
3 working; it was faulty. But I didn't tell  
4 him that, because I felt like it was some  
5 weird cryptic questioning that he was asking  
6 me. It was very weird, because I parked my  
7 car away from everyone else, because I just  
8 didn't trust anyone.

9 Q. Okay. Were there any other  
10 questions that he asked you that you can  
11 remember today?

12 A. No. I worked with him, so he  
13 didn't -- he actually didn't ask me any other  
14 questions besides the camera questions.  
15 Because I went out with him, he seen where I  
16 parked my car.

17 He -- one day we were driving  
18 back to the station, and he was reading my  
19 plates out loud. I said hey, why are you  
20 memorizing my plates like that?

21 He was like, oh, no reason. That  
22 is just something I do.

23 And the day before Mother's Day,  
24 which was a Saturday, I was driving to work.  
25 I went to get gas, and I notice that my car

1 [!WITNESS NAME]

2 was keyed.

3 Q. Okay. Did you report this to  
4 anyone?

5 A. Yes. I told Henry that someone  
6 keyed my car, and I believe it was somebody  
7 that worked here.

8 Q. Okay. Why did you believe it was  
9 someone who worked there?

10 A. I think it is very random for  
11 someone to just get their car keyed on any of  
12 those streets. That is very random.

13 Q. Why did you believe it was  
14 someone who worked at FedEx?

15 A. Because I had someone asking me  
16 these questions about my camera, and then  
17 shortly after, my car got keyed.

18 And the way my car was keyed, it  
19 was like someone knew I had a dash cam, and  
20 they did it in a nervous and scared way,  
21 because they were scared of getting caught.

22 Q. Did your dash camera catch any of  
23 this?

24 A. The dash camera was not working,  
25 but no one knew that. It was a faulty dash

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1 [!WITNESS NAME]

2 camera. I had to return it.

3 Q. So your testimony is that you  
4 believed someone keyed your car who knew you  
5 had a dash camera that could have recorded  
6 it?

7 A. Yes, because James is really good  
8 friends with Angela and Pete. So him asking  
9 me those questions really did seem odd,  
10 because he didn't need to know those details  
11 about my dash camera. He wasn't in the  
12 business, or he wasn't looking for a dash  
13 camera or anything of that sort, so it was  
14 very strange for him to ask me those  
15 questions.

16 Q. So no one knew your dash camera  
17 didn't work?

18 A. No one. No one knew.

19 Q. Do you know whether or not your  
20 car was keyed while you were at FedEx?

21 A. No. I don't have proof of that,  
22 no.

23 Q. Do you have any photographs of  
24 the keying of the car?

25 A. I can find some pictures. It is

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1 [!WITNESS NAME]

2 still there. It is still on my car.

3 Q. I am going to ask on the record  
4 that those photographs are produced.

5 A. Yes.

6 MS. MASSIMI: You can follow up  
7 through me, and I will respond.

8 Q. Did you -- you said that you told  
9 someone that the keying occurred.

10 Who was that?

11 A. Henry Nunez.

12 Q. And how did you report it to  
13 Henry?

14 A. I went to Henry. I said, you  
15 know, I have been parking my car on this  
16 block that no one else knows where I parked.  
17 My car has been keyed. And he said oh, it is  
18 not like we have a camera that can see who  
19 did it, because he at the time, he made it  
20 seem like he was worried about my car being  
21 keyed at the time.

22 Q. I don't understand what you mean  
23 by he made it seem like he was worried.

24 Can you explain?

25 A. He seemed sincere, like he felt

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1 [!WITNESS NAME]

2 bad.

3 Q. Okay. Did you show it to him?

4 A. No, I never showed it to him.

5 Q. Did you ever get the damage --  
6 was it damaged, where you needed to get it  
7 repaired?

8 A. No. It is still there. I  
9 haven't got it buffed out. It is still  
10 there.

11 Q. Okay. Did you follow back up  
12 with Henry about what happened?

13 A. No. I didn't follow-up with  
14 Henry. I didn't have proof. It was just a  
15 gut feeling. I thought it was very weird  
16 that he would ask those questions, but with  
17 no proof. I just took it on the chin.

18 Q. Was your car unique in the sense  
19 that did you know anyone else at FedEx who  
20 had the exact same vehicle?

21 A. No. I am the only with a black  
22 BMW there.

23 Q. So I understand if you are the  
24 only person with a black BMW, that model of  
25 BMW, then no one would have to know your

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1 [!WITNESS NAME]

2 license plate number to be able to locate it,  
3 right?

4 MS. MASSIMI: He is not saying  
5 the person who did this was necessarily  
6 smart or logical.

7 MR. McGAHA: I am not asking you  
8 what you think.

9 MS. MASSIMI: I mean, this is  
10 getting --

11 MR. McGAHA: I am asking him to  
12 testify.

13 MS. MASSIMI: Right. This is  
14 kind of inappropriate, inappropriate  
15 questioning. You are asking him  
16 hypotheticals.

17 MR. McGAHA: He can say I don't  
18 know.

19 MS. MASSIMI: All right. Okay,  
20 sure. Crack the case. Please proceed.

21 Q. Mr. Campbell, you testified that  
22 you have a car that no one else at FedEx has,  
23 correct?

24 A. Yes.

25 Q. So is it the case, then, that in

1 [!WITNESS NAME]

2 order to locate your vehicle, if someone  
3 wanted to, they wouldn't need your license  
4 plate number to find it?

5 A. They wouldn't, because the person  
6 that I worked with could tell them exactly  
7 what my car looks like, even if they never  
8 seen it.

9 Q. All right. By the way, do you  
10 know what James's job was --

11 A. As far as I know, he was just a  
12 driver.

13 Q. -- title?  
14 Like you are all on the same  
15 level?

16 A. Yes.

17 Q. You said you never reported to  
18 anybody else other than Nunez?

19 A. I just made Henry aware this is  
20 what I thought happened in conjunction of  
21 James asking me those questions about my dash  
22 camera.

23 Q. You never told Nunez you thought  
24 it was based on your race?

25 A. No, because I didn't trust him

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1 [!WITNESS NAME]

2 that much.

3 Q. Were you -- were you nervous or  
4 scared -- I think that is the word you used  
5 earlier. Were you scared to tell Nunez that  
6 someone scratched your car?

7 A. I am always scared to report  
8 anything at that job.

9 Q. Okay?

10 A. Yes, I was scared.

11 Q. But you told him anyway?

12 A. Yes.

13 Q. And why did you tell him that?

14 A. Because he was the first manager  
15 that I saw, and I felt like it was very  
16 important for me to share that information.

17 Q. Okay. So in that instance,  
18 unlike some of the others that we have  
19 discussed, you did report something that  
20 occurred?

21 MS. MASSIMI: Objection. He has  
22 testified having reported other  
23 instances.

24 Q. In that instance, unlike others  
25 that you have talked about earlier, you did

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1 [!WITNESS NAME]

2 report that your car had been keyed, correct?

3 MS. MASSIMI: Objection. You are  
4 mischaracterizing his testimony.

5 He testified about previous  
6 incidents where he did report,  
7 testify -- where he did report the  
8 discrimination.

9 MR. McGAHA: If you make one more  
10 speaking objection testifying for your  
11 client, we are going to call the court.

12 MS. MASSIMI: You can call the  
13 court. If you need to call the court,  
14 you can call the court.

15 MR. McGAHA: You make one more  
16 speaking objection.

17 MS. MASSIMI: Mr. McGaha, your  
18 threats don't work on me. It just  
19 doesn't work. Your questions are  
20 inappropriate. You are  
21 mischaracterizing the record. Proceed  
22 with your deposition.

23 MR. McGAHA: I am not threatening  
24 you, I am telling you --

25 MS. MASSIMI: What you just did

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1 [!WITNESS NAME]

2 was the definition of a threat. This is  
3 about Mr. Campbell. Ask your questions.

4 Q. Mr. Campbell, paragraph 67 says a  
5 few weeks later, Campbell noticed that  
6 someone had scratched or keyed his car. We  
7 talked about that.

8 68, Defendant and the other  
9 workers continued to isolate Campbell, asking  
10 him weird and cryptic questions and giving  
11 him the cold shoulder.

12 To whom are you referring when  
13 you say Defendant continued to isolate?

14 A. Defendant as in FedEx employees.

15 Q. All right. When you say that  
16 they isolated you, you mean FedEx employees,  
17 who were these employees?

18 A. The same employees that I spoke  
19 about earlier that would call me snitch,  
20 stopped speaking to me because of the Peter  
21 Lorenzi statement that I made.

22 Q. But you don't know anyone who  
23 called you a snitch, do you?

24 A. No one called me snitch to my  
25 face.

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1 [!WITNESS NAME]

2 Q. So whoever isolated -- so that  
3 doesn't answer my question.

4 Again, I am asking you, now you  
5 felt isolated. You had to have been isolated  
6 by people, right, employees?

7 Who were those people? Who  
8 isolated you?

9 A. Management. The people that I  
10 worked with on the belt in the split in the  
11 morning, those are the people that isolated  
12 me and gave me cold shoulders.

13 Q. Give me their names, please?

14 A. I don't remember all of these  
15 employees' names.

16 Q. Give me some of their names?

17 A. Mike, I don't know his last name.  
18 He's a gentleman that worked across the  
19 street -- across the belt from me. Scott, I  
20 don't know his last name. There were a few  
21 people in the LGA belt. I can't remember all  
22 the names. I am sorry.

23 Q. How did they isolate you?

24 A. By stop speaking to me.

25 Q. Any other way they isolated you?

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1 [!WITNESS NAME]

2 A. Not that I can think of at this  
3 point, no.

4 Q. You can name Mike, last name  
5 unknown; Scott, last name unknown, and a few  
6 people on the LGA belt stopped speaking to  
7 you?

8 A. If you showed me pictures of  
9 them, I can definitely point them out. I  
10 just don't know them well enough to have  
11 their first and last name on the tip of my  
12 tongue.

13 Q. The way they isolated you was by  
14 not speaking to you?

15 A. These were people that I used to  
16 have conversations with all the time.

17 Q. Did you speak to them?

18 A. Why would I speak to them, if  
19 they aren't speaking to me? When I walk by  
20 to say hello, they turn their back or pick up  
21 a box.

22 Q. I asked if you spoke to them.

23 A. Yeah. I would say hello. That  
24 is how I realized they weren't speaking to  
25 me.

1 [!WITNESS NAME]

2 Q. Your testimony is that you would  
3 say hello to these individuals, and that they  
4 would not -- they turn their back when you  
5 said hello to them?

6 A. Yes.

7 Q. How often did this occur?

8 A. A few times a week, until I  
9 stopped saying hi.

10 Q. A few times a week, okay.

11 And this occurred, you said, a  
12 few weeks later.

13 I am guessing this must have been  
14 in July?

15 A. This is all around the same time.

16 Q. Well, no. Let me back up. Look  
17 at Paragraph 63. That was when -- that was  
18 February of 2021.

19 A few weeks later, was the car  
20 incident?

21 A. Uh-huh.

22 Q. So let's say it was late February  
23 or March?

24 A. The car incident happened around  
25 May.

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1 [!WITNESS NAME]

2 Q. Okay.

3 A. Around Mother's Day.

4 Q. Okay. All right. And so you're  
5 saying that sometime in or after May 2021 is  
6 when you began to feel isolated?

7 A. No. I was isolated right after  
8 the Pete Lorenzi situation.

9 Q. Okay.

10 A. Yeah. That has been going on  
11 this whole time.

12 Q. Okay. So they were continuing to  
13 isolate you, and it says asking him weird and  
14 cryptic questions and giving him the cold  
15 shoulder.

16 A. That is James.

17 Q. I am sorry?

18 A. I am referring to James there.

19 Q. In Paragraph 68?

20 A. Yes. Asking him weird and  
21 cryptic questions, I am referring to James  
22 there.

23 Q. So not the other employees.

24 The other employees are just  
25 isolating you?

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1 [!WITNESS NAME]

2 A. Yes, because they told me I can  
3 only do the mall. So they put me with James,  
4 who is one of Peter's close friends. I don't  
5 know why they did that. I guess they was --  
6 they thought it was funny. But they put me  
7 with him. So when they cut my hours, they  
8 told me I had to work with James, because he  
9 started at, I guess, 5 or 6 a.m., so I  
10 don't -- I don't understand why they would  
11 put me with him.

12 Q. Do you know James's last name?

13 A. I don't know his last name.

14 Q. Is this the same James that we  
15 are talking about --

16 A. The same James that asked me  
17 cryptic questions about my dash cam.

18 Q. Car?

19 A. Yes.

20 Q. You began working with him?

21 A. Yes. They put me to work with  
22 him.

23 Q. After he was asking you these  
24 questions?

25 A. No. He was asking me these



1 [!WITNESS NAME]

2 questions when I worked with him.

3 Q. Okay.

4 A. Yes.

5 Q. All right. How long did you work  
6 with James?

7 A. I worked with James from, I would  
8 say September of 2020 until I was terminated,  
9 May 25, 2021.

10 Q. Okay. Almost a year --

11 A. Almost.

12 Q. Or eight months? Okay.

13 And how often would he ask you  
14 weird and cryptic questions?

15 A. I got my car in February.

16 He started asking me questions  
17 once I got the dash cam, which was probably a  
18 few months after I got the car. I would say  
19 late April, I got the dash camera.

20 Q. Okay. All right.

21 And did you ever report -- first  
22 of all, did you think he was asking you these  
23 weird and cryptic questions because of your  
24 race?

25 A. No. I believed he was asking

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1 [!WITNESS NAME]

2 these cryptic questions because someone  
3 wanted to retaliate against me, but they were  
4 scared they would lose their job.

5 Q. Explain what you mean by that?

6 A. I believed that the person that  
7 vandalized my vehicle was someone that was  
8 upset that I wrote a statement about Peter.

9 Q. Do you have any evidence of that?

10 A. No, I don't, because my dash  
11 camera doesn't -- didn't work at the time.

12 Q. Do they have cameras at the  
13 facility?

14 A. In front of the building, I  
15 believe so.

16 Q. Did you ever ask maintenance or  
17 security to do an investigation?

18 A. I never parked in the front of  
19 the building. I parked on the side of the  
20 building, so I am not sure if they own that  
21 property, if they are responsible for those  
22 cameras on that street side.

23 Q. Did you park on FedEx property?

24 A. I parked --- I parked on the  
25 corner. I didn't park in front of the

1 [!WITNESS NAME]

2 building.

3 I am not sure if that is FedEx  
4 property.

5 Q. Did you ask?

6 A. I didn't know who to ask, because  
7 they don't own the building that is next to  
8 where I parked.

9 Q. Did you try to determine whether  
10 or not there was any camera footage the day  
11 that your car was scratched?

12 A. No. I decided to just take the  
13 bigger road and just ignore it. I figured if  
14 I just didn't show any emotions, the person  
15 who did it would eventually leave me alone.

16 Q. So you said that James is asking  
17 you weird and cryptic questions, and you said  
18 that you believe he was asking these weird  
19 and cryptic questions because someone wanted  
20 to retaliate against you.

21 Do you know who this someone is?

22 A. No, I don't know.

23 Q. Do you have any evidence of that?

24 A. No. My camera is not -- wasn't  
25 working at the time.

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1 [!WITNESS NAME]

2 Q. I am not asking about the  
3 scratch, I asking about the weird and cryptic  
4 questions.

5 A. James asked me the weird and  
6 cryptic questions.

7 Q. Right. You said -- I believe you  
8 testified that you believe he was asking you  
9 weird and cryptic questions because he  
10 wanted -- someone wanted to retaliate against  
11 you?

12 A. Because whoever he was feeding  
13 information to wanted to retaliate.

14 Q. Okay. Retaliate against you how?

15 A. By keying my car.

16 Q. Okay. So you believe that  
17 someone keyed your car in retaliation for  
18 what?

19 A. They were upset. I just bought a  
20 brand new BMW, and I feel like they disliked  
21 the fact that I was a black man with a BMW,  
22 and he asked me those questions to find out  
23 information, and someone either that worked  
24 there, or someone they knew, I believe, keyed  
25 my car to hurt me, to make me upset.

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1 [!WITNESS NAME]

2 Q. Okay. I gotta make sure I  
3 understand.

4 MS. MASSIMI: Objection.

5 Q. Your lawsuit --

6 MR. McGAHA: I haven't even asked  
7 my question.

8 MS. MASSIMI: I am objecting to  
9 your statement.

10 Q. Your lawsuit alleges  
11 discrimination based on race, harassmt  
12 based on race and retaliation, okay.

13 I am trying to understand each  
14 paragraph of your complaint, at least in this  
15 section of it.

16 I am having a hard time  
17 understanding 68, so I want you to help me  
18 understand what you mean by this allegation,  
19 okay?

20 You testified that James was  
21 asking you weird and cryptic questions,  
22 correct?

23 A. Yes.

24 Q. You also testified that you  
25 believe that he was asking you these weird

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1 [!WITNESS NAME]

2 and cryptic questions because someone who he  
3 was feeding information to wanted to  
4 retaliate against you, correct?

5 A. Yes.

6 Q. When I asked you what you meant  
7 by retaliate against you, you said for having  
8 owned a -- black man having owned a BMW.

9 That is what you mean by  
10 retaliation here?

11 A. Yes, because another person made  
12 a comment about me being black and owning a  
13 BMW, so I feel like this was a conversation  
14 that was going around the station at the  
15 time. So yes, that is why I have come to  
16 that conclusion.

17 Q. Okay. So what you are alleging  
18 then is that -- correct me if I am wrong. I  
19 want to make sure I understand.

20 MS. MASSIMI: Objection.

21 Q. Are you alleging that you were  
22 being targeted as it relates to your car  
23 because you were a black person who owned a  
24 black BMW?

25 A. Yes. In relation to me being

1 [!WITNESS NAME]

2 black and buying a car, and then also not  
3 liking me for reporting Peter.

4 Q. For report -- okay.

5 A. They go together. That is what I  
6 am getting at.

7 Q. Okay. So the retaliation here is  
8 that they were -- your car was targeted  
9 because were you black, and you owned it, and  
10 because you reported Peter? That is what you  
11 are testifying to?

12 A. Yes.

13 Q. All right. Any other reason why  
14 you felt like your car was targeted?

15 A. Those are the main points.

16 Q. Are there any others? I want to  
17 get in --

18 A. Those are the points.

19 Q. That is it?

20 A. That is it.

21 Q. Okay. Did you believe that you  
22 were being -- why did you believe you were  
23 being isolated?

24 A. I explained why I was being  
25 isolated before.

1 [!WITNESS NAME]

2 Q. Okay. Was it because of your  
3 race?

4 A. I believe that played a major  
5 role in it, yes.

6 Q. Was it because you reported  
7 Peter?

8 A. I believe that is a part of it  
9 also, yes.

10 Q. Is there any other reason that I  
11 haven't mentioned?

12 A. They are the two main reasons.

13 Q. What about the cold -- getting  
14 the cold shoulders; the same reasons?

15 A. Yes.

16 Q. Okay. So you testified here  
17 today you can't recall anyone by name other  
18 than Mike -- Mike with last name unknown,  
19 Scott, last name unknown, and a few people in  
20 the LGA building.

21 You can't think of any other  
22 individuals?

23 A. That I didn't have a prior like  
24 back and forth with off the top of the head,  
25 no, because a lot of these people that are in

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1 [!WITNESS NAME]

2 this paperwork, I used to speak to them  
3 before, so they fall under that also.

4 Q. Who are those people?

5 A. Rob, JC, Jeff Durante. The  
6 people that are in this paperwork, with the  
7 exception of David Almeda, which I never  
8 really spoke to before. Those are all people  
9 who changed the way they dealt with me after  
10 me reporting Peter Lorenzi.

11 Q. You say Rob, JC?

12 A. Jeffrey Durante. Arietti.

13 Q. Anybody else?

14 A. Those are some examples of people  
15 who changed and started giving me a cold  
16 shoulder.

17 Q. Anybody else?

18 A. That is all I can think of off  
19 the top of my head right now.

20 Q. Okay. Thank you. Paragraph 69.

21 Then on May 18, 2021 Augusto  
22 Alzate, a worker at Defendant, approached  
23 Campbell unprovoked and began aggressive  
24 cursing and swearing at him. That was common  
25 conduct by Alzate against Campbell. All

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1 [!WITNESS NAME]

2 right?

3 Can you explain to me how the  
4 confrontation began?

5 A. The confrontation began, I would  
6 say, from the minute they put me on that part  
7 of the split, because there is more people  
8 that do the same morning function as me. And  
9 they have a few people that do the recycle  
10 function that Augusto does, so it started  
11 from that point when they first put me on  
12 that position.

13 Q. Okay. So what happened that day?

14 A. So what happened that day, I  
15 showed up to my split position. The belt is  
16 moving as fast as it usually does. I am  
17 splitting the belt. Augusto is getting the  
18 recycle. His main function is to recycle, so  
19 he is supposed to pull freight off the belt  
20 if a splitter misses the boxes, which he did,  
21 but he was unhappy, because he felt like I  
22 was missing too many boxes.

23 So he comes over yelling,  
24 screaming, cursing at me. He starts kicking  
25 the boxes. And I am ignoring him the entire

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1 [!WITNESS NAME]

2 time that he is doing this. So while he is  
3 doing these things, he pushes a box, and the  
4 box hits my hand. So then that is when I  
5 turned to face him and ask him, why did he  
6 hit me with the box?

7 And he stared at me. And as he  
8 stared at me, I figured maybe he couldn't  
9 hear, so I actually backed up and removed my  
10 mask to repeat it again.

11 And as I repeated the why did he  
12 hit me with the box, he stared at me and told  
13 me, I got something for you, and he pulled  
14 out a box cutter. He pulled out the box  
15 cutter, and fully extended the blade towards  
16 my in a menacing way and started waving the  
17 box cutter, right.

18 And as he is doing that, me, in  
19 fear of my life, I grabbed his arm with both  
20 of my hands and told him to drop the box  
21 cutter.

22 He refused to drop the box  
23 cutter.

24 So I am tussling with him,  
25 struggling. And some of my coworkers who

1 [!WITNESS NAME]

2 also was in fear of my safety, they jumped  
3 over the belt, and they join into the scuffle  
4 to try to release the box cutter from him.

5 And they could not get the box  
6 cutter out of his hand either. Eventually  
7 some of my coworkers separated me from him.  
8 I heard that they eventually got the box  
9 cutter out of his hand.

10 And that is what happened on the  
11 floor that day that you see in the video.

12 Q. Okay. So let's start from you  
13 said that he was kicking boxes at you?

14 A. Yes. He was kicking boxes in my  
15 direction, yes.

16 Q. With his feet?

17 A. Yes.

18 Q. That is the first time I heard  
19 that.

20 A. It is in the video.

21 Q. My understanding from your  
22 statement, correct me if I am wrong, he was  
23 pushing boxes. Is that not what happened?

24 A. Yeah. He pushed boxes, too, and  
25 one of the boxes hit me.

1 [!WITNESS NAME]

2 Q. Okay. So he pushed boxes at you.  
3 You said that he was screaming, yelling, is  
4 that what you said?

5 A. Yes. He did that all the time.

6 Q. Okay. You said he was cursing,  
7 correct?

8 A. Yes. He does that all the time.

9 Q. All right. Can you remember what  
10 he was screaming and cursing at you?

11 THE COURT REPORTER: I am sorry?

12 Q. Can you remember today -- as you  
13 testified, can you recall what he was  
14 screaming at you, what was he saying?

15 A. Things of nature like mother  
16 fucking Kevin, always missing boxes, piece of  
17 shit, stuff that he would normally say.

18 Those are -- that is one of his  
19 regulars but he said that on that day, too.

20 But I always ignore him because  
21 it is something that he does. And managers  
22 are aware of it, too.

23 Q. Did he say anything that you felt  
24 was racially motivated?

25 A. No. He actually he speaks

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1 [!WITNESS NAME]

2 Spanish a lot of times. And one of my  
3 Hispanic coworkers told me that he has said  
4 racial things about me. But I don't speak  
5 Spanish, so I would never know. But I have  
6 heard that he said racial things about me.

7 Q. Who told you that?

8 A. Robert Loza (phonetic).

9 Q. When did he tell you this?

10 A. He told me that when I was  
11 walking back -- when I -- after the scuffle  
12 took place, Frank told me to go inside the  
13 conference room to write a statement.

14 On my way walking to provide my  
15 statement, Robert Loza told me, if you ever  
16 need a witness, I am a witness to him saying  
17 racial things about you in Spanish.

18 Q. Okay.

19 A. But I never thought that I would  
20 even need that information, because to my  
21 understanding, I didn't do anything wrong.

22 Q. So up until that point, you did  
23 not know or you were not aware he had ever  
24 said anything that was racially based?

25 A. No, 'cause he speaks in Spanish a

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1 [!WITNESS NAME]

2 lot.

3 Q. You said he regularly yelled and  
4 cursed at you, right?

5 A. Yes.

6 Q. Did you ever report this to  
7 anyone?

8 A. Yes, of course. When Henry was  
9 my manager, Mike used to work on the belt.  
10 Mike would be able to tell you that Augusto  
11 would have a few words for me. Mike would  
12 have a few words for me too, also.

13 So yes, they were clearly aware.  
14 Monty, who became my manager, he started to  
15 realize that Augusto would curse me out.  
16 Everyone thought it was funny, because they  
17 view Augusto as a small man, so no one took  
18 him serious.

19 Q. So did he, Augusto, do this to  
20 everybody? Did he curse at everybody, and  
21 yell and scream?

22 A. Well, I am not there -- if I am  
23 not on the split, or if I am not at work, I  
24 am not aware of what Augusto does when I am  
25 not there.

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1 [!WITNESS NAME]

2 Q. Let me ask you a more precise  
3 question.

4 Have you ever witnessed Augusto  
5 yell at anyone else?

6 A. No.

7 Q. Have you ever witnessed Augusto  
8 curse at anyone else?

9 A. Not to my knowledge, no.

10 Q. So your testimony today is that  
11 Augusto regularly screamed and cursed at you,  
12 and you are not aware of him screaming or  
13 cursing at anyone else during your employment  
14 there?

15 A. I don't recall right now, no.

16 Q. So you don't recall?

17 A. I just know that I am only  
18 responsible for myself.

19 Q. I understand.

20 A. So what I am saying is, he did  
21 that to me regularly, and managers knew.

22 Q. All right. I am not asking you  
23 what you observed or did not observe, I am  
24 asking you whether or not you ever observed  
25 him yelling or screaming or --

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1 [!WITNESS NAME]

2 A. He is --

3 Q. Let me finish my question.

4 A. Okay.

5 Q. Whether or not you ever observed  
6 him yelling or screaming or cursing at anyone  
7 else?

8 A. In terms of the split, or just in  
9 general?

10 Q. In general?

11 A. 'Cause he is an angry person.

12 Q. In general.

13 A. He is an angry person. He is  
14 always upset about something.

15 Q. In general?

16 A. Yes. In general, yeah.

17 Q. How often would you see him  
18 yelling, screaming and cursing at other  
19 people?

20 A. I don't see him often, so I can't  
21 give a distinct answer with that.

22 I would only see him on the split  
23 in the morning, and he works with me most  
24 every morning.

25 Q. But your perception of him is

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1 [!WITNESS NAME]

2 that he was an angry person?

3 A. Yes.

4 Q. And that was based on your  
5 personal observation of how he interacted  
6 with you and other people; is that correct,  
7 right?

8 A. I -- listen, Augusto was very  
9 angry and upset with me every morning.

10 Q. Okay. But that is not what I  
11 asked you.

12 A. What are you asking?

13 Q. I asked you that your -- I asked  
14 you whether or not your perception of him  
15 being an angry person was based on your  
16 observation of how he interacted with you and  
17 other people?

18 A. I am only basing that off of my  
19 interaction with him.

20 Q. Okay. So you believe he is an  
21 angry person, just based on what he said and  
22 did to you, or what he said and how he  
23 interacted with you, right?

24 A. Yes.

25 Q. Robert Loza, is he Hispanic?

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1 [!WITNESS NAME]

2 A. Yes, he is.

3 Q. And did you believe that Alzate's  
4 conduct towards you was based on your race?

5 A. I think it had something to do  
6 with it, yes.

7 Q. Did you ever report that to  
8 anyone?

9 A. No, because managers would sit  
10 there and watch you him curse me out every  
11 morning.

12 How could I possibly feel  
13 comfortable talking to them about him cursing  
14 me, when they are physically standing there  
15 watching him do it?

16 Q. That may be the case, but your  
17 testimony was that he didn't say anything to  
18 you that was racially based.

19 What he said to you may have been  
20 mean. He may have used profanity.

21 Based on your testimony, he  
22 didn't say anything to you that would be  
23 perceived by someone listening as racially  
24 motivated, right?

25 A. Yes.

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1 [!WITNESS NAME]

2 Q. So if you believed that it was  
3 racial based, you need to report that,  
4 wouldn't you?

5 A. Well, I only found out that he  
6 says racist things after he pulled out a box  
7 cutter.

8 Q. Right. But you said it was a  
9 common occurrence for him to interact with  
10 you in this matter of swearing at you and so  
11 on?

12 A. Yes.

13 Q. And you believed even at that  
14 time before the box cutter incident, you  
15 believed that he was yelling and swearing at  
16 you, you thought it was -- some of it, at  
17 least, was racially motivated; isn't that  
18 what you said?

19 A. Yes, because he is also friends  
20 with Peter.

21 Q. Understood. But you did not  
22 report that to anyone, did you?

23 A. I made it aware that he was  
24 verbally abusing me every morning over boxes,  
25 that everyone missed on countless --

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1 [!WITNESS NAME]

2 countless amount of times to managers.

3 Q. But you never told them that you  
4 thought it was based on your race, did you?

5 A. No. It wasn't just based off my  
6 race, no.

7 Q. I asked you a question. You  
8 never told them that it was based on your  
9 race, did you?

10 A. No, I never told them that.

11 Q. Okay. So you explained your  
12 version of events. So we will go through  
13 paragraph 71 through 74.

14 So Alzate then pushed the  
15 boxes -- some of this, you testified to.  
16 Again, I didn't hear anything or see anything  
17 in your complaint or any other documents to  
18 indicate that boxes were hit, but we will  
19 just read --

20 MS. MASSIMI: Objection.

21 Q. Alzate then pushed boxes towards  
22 Campbell the wrong way up the conveyor belt,  
23 hitting Campbell with the boxes, Paragraph  
24 71.

25 Paragraph 72, Campbell asked

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1 [!WITNESS NAME]

2 Alzate why he had pushed boxes at him,  
3 hitting him with the boxes.

4 Paragraph 73, Alzate responded by  
5 pulling out a box cutter and brandishing it  
6 at Campbell, swinging his arm back and forth  
7 and making a motion towards Campbell as if he  
8 was going to slash Campbell with the box  
9 cutter, though Campbell had not threatened or  
10 acted violently in any way.

11 So I want to ask you about what  
12 occurred between paragraph 72 and 73, because  
13 72, he has pushed the boxes towards you.

14 How far away were you -- how far  
15 were you from him in distance, approximately,  
16 when he was pushing the boxes towards you?

17 A. He was pretty close.

18 But after he pushed the boxes, he  
19 walked towards me, after --

20 Q. So --

21 A. -- he closed the distance.

22 Q. So your testimony is that -- how  
23 far away were you initially, when you --

24 A. I don't know how many feet. I  
25 don't how many feet.

1 [!WITNESS NAME]

2 You mean on a regular basis?

3 Q. So before the -- so before the  
4 conflict occurred, how far away from each  
5 other were you working? Where was he  
6 relative to you on the belt?

7 A. Say about five feet.

8 Q. Was there a belt in between the  
9 two of you?

10 A. No.

11 Q. You were on the same side --

12 A. Yes.

13 Q. -- the belt? Okay.

14 So he was about five feet ahead  
15 of you or behind you?

16 A. Depends on which side of the  
17 belt, but five feet to the right of me.

18 Q. Okay. Fantastic. He is about  
19 five feet to the right of you.

20 Was there anyone in between you  
21 all?

22 A. No.

23 Q. So whatever he pushed towards  
24 you, you were going to be the first person to  
25 catch it?

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1 [!WITNESS NAME]

2 A. To get hit by it.

3 Q. Or get hit by it, as you  
4 characterized it.

5 So how many boxes did he push  
6 towards you that hit you?

7 A. So at the time, being very upset,  
8 I actually thought that he pushed two boxes.  
9 But I didn't see any proof of that, but I  
10 actually mistaken him kicking the box as a  
11 push.

12 So when I actually saw the video  
13 footage, I got the memory to remember that he  
14 actually kicked boxes towards me and pushed  
15 one large box, and that was the large box  
16 that I actually got hit by.

17 Q. Where did it hit you?

18 A. It hit my hand.

19 Q. Were you injured?

20 A. It hurt.

21 Q. Were you injured?

22 A. Yes.

23 Q. Did you have to get any medical  
24 treatment as a result of it?

25 A. No.



1 [!WITNESS NAME]

2 Q. What happened after you got hit  
3 with the box?

4 A. After I got hit by the box, I  
5 took one and a half steps towards him to ask  
6 him why did he hit me with the box.

7 Q. Okay. So you closed the  
8 distance, initially?

9 A. No, he closed the distance  
10 initially. When he hit me with the box, he  
11 closed the distance.

12 Q. So he was standing five feet --  
13 about five feet from you, initially?

14 A. Uh-huh.

15 Q. You said he hit or kicked you  
16 with the box?

17 A. No. I said he kicked two boxes  
18 in my direction.

19 Q. Okay.

20 A. Boxes missed me.

21 I ignored him. I guess that  
22 bothered him, so he pushed a box up the belt,  
23 and the box hit me in the hand. That is what  
24 happened.

25 Q. Okay. So he moved closer to you

1 [!WITNESS NAME]

2 to push the box towards you?

3 A. He pushed the box, and he closed  
4 the distance.

5 Q. Okay.

6 A. It is on video.

7 Q. He closed the distance --

8 A. It is a video. You can pull up  
9 the video.

10 Q. I am aware of the video.

11 He pushed the box towards you,  
12 and him pushing the box towards you caused  
13 him to close the distance?

14 A. Yes, pushed the box and then  
15 closed the distance.

16 Q. I am trying to make sure I  
17 understand. Let me ask you again.

18 I want to understand what you  
19 mean when you say he closed the distance, and  
20 I want to understand when it occurred.

21 MS. MASSIMI: Objection.

22 Q. You said that he pushed three  
23 boxes, or that three boxes were either --

24 MS. MASSIMI: Mr. McGaha?

25 Mr. McGaha, this is really bordering on

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1 [!WITNESS NAME]

2 inappropriate. He has answered this  
3 many times. Someone within in his place  
4 of employment pushed a box at him and  
5 hurt his hand. That is not appropriate  
6 in any place of employment. He has now  
7 testified to it multiple times.

8 You can ask him one more time.

9 MR. McGAHA: Are you finished?

10 MS. MASSIMI: You can proceed  
11 with your deposition.

12 MR. McGAHA: Thank you.  
13 Appreciate that.

14 Q. Ms. Campbell -- Mr. Campbell, you  
15 have testified that I believe it was three  
16 boxes; is that correct? He either pushed or  
17 kicked towards you, is that right?

18 MS. MASSIMI: Objection.

19 You can answer the question  
20 again.

21 A. Yes.

22 Q. Okay. Thank you.

23 So you also testified that he  
24 closed the distance, approximate five feet  
25 that you working apart, that he closed the

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1 [!WITNESS NAME]

2 distance; is that right --

3 A. Yes.

4 Q. -- at some point? Okay.

5 When did he close the distance?

6 A. He closed the distance as he was  
7 pushing the box towards me.

8 Q. Which box?

9 A. The large box that hit my hand,  
10 which frankly, his job is to remove boxes off  
11 the belt, so he is not even supposed to be  
12 pushing boxes in the opposite direction of  
13 the belt. He is supposed to be removing them  
14 off the belt.

15 And at the end of the split, we  
16 reverse the belt, and then we do a reverse  
17 split so that the boxes can go to the right  
18 vans and trucks.

19 Q. Was the large box the third of  
20 those boxes?

21 A. Yes.

22 Q. After he pushed the first box  
23 towards you --

24 A. He didn't push the first box. He  
25 kicked two boxes, and in that order, he

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1 [!WITNESS NAME]

2 kicked one box. He kicked the second box.

3 And the third box, he pushed and  
4 it hit my hand. That is what happened.

5 Q. So after he pushed the first box  
6 towards you, did you consider notifying a  
7 member of management that he was pushing  
8 boxes at you in an aggressive manner?

9 A. No, because I ignored him the  
10 whole time, until he hit me with the box.

11 Q. So the first box didn't hit you?

12 A. The first box that he kicked, no.

13 Q. Did you think he was attempting  
14 to hit you?

15 A. He hit me. That is a fact.

16 Q. On which -- the third box, he hit  
17 you, right?

18 A. Yes.

19 Q. Not the first one?

20 A. Yes.

21 Q. There are three boxes. He pushed  
22 the two, kicked the third.

23 The third one was the large one,  
24 and that was the one that hit you?

25 A. No. He kicked two boxes and

1 [!WITNESS NAME]

2 pushed one box.

3 Q. Okay.

4 A. The first two boxes that he  
5 kicked, I think he wanted to intimidate me or  
6 upset me, but I did not.

7 Q. Okay.

8 A. I ignored him.

9 The third box that he pushed up  
10 the belt, that was the box that hit me.

11 Q. Gotcha. So he kicked a box  
12 towards you that did not hit you?

13 A. He kicked two boxes.

14 Q. I understand that.

15 But he kicked -- start with the  
16 first one. He kicked a box towards you?

17 A. Uh-huh.

18 Q. And was it your perception he was  
19 trying to hit you with the box?

20 A. I didn't even notice it at first.

21 Q. Okay. All right.

22 So when did you notice that he  
23 kicked that first box towards you?

24 MS. MASSIMI: Objection.

25 You can answer the question

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1 [!WITNESS NAME]

2 again.

3 A. I -- first of all, in the moment,  
4 I was ignoring him, so I wasn't even paying  
5 him that much mind.

6 When he kicked the second box, at  
7 the time, I thought that he pushed the box  
8 and missed me, but I am still not paying him  
9 any mind.

10 The third box that he hit me  
11 with, that was the only one that got my  
12 attention, because he was doing these things,  
13 and I was ignoring him on purpose, that maybe  
14 he would just leave me alone.

15 That is what I wanted from him,  
16 maybe if I ignore him, he will just leave me  
17 alone.

18 He kept escalating the situation.

19 Q. Okay. What was the time period,  
20 based your recollection, of him yelling and  
21 screaming at you? How much time elapsed  
22 between the time period where he started  
23 yelling and screaming at you to the time that  
24 he hit you with the third box?

25 A. A few seconds. Maybe that whole

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1 [!WITNESS NAME]

2 interaction, probably about seven to ten  
3 seconds.

4 Q. Okay. At any moment before he  
5 hit you with the third box, which you said he  
6 pushed, did you consider notifying a member  
7 of management that Alzate was being  
8 aggressive towards you?

9 A. No. That never crossed my mind,  
10 because managers were aware of the situation  
11 with me and Augusto and me occasionally  
12 missing boxes, just like other splitters, and  
13 him getting very upset about it.

14 So I didn't really feel the need  
15 to involve management at the time, because my  
16 hand hurt, and he was right there, so I just  
17 asked him, why would he push a box and hurt  
18 my hand, basically.

19 Q. Okay.

20 A. He was right there, yes.

21 Q. So when he kicked the first box,  
22 and he kicked the second box, neither one of  
23 them touched you, right?

24 And then he pushed the third box.

25 Is that when you say he closed

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1 [!WITNESS NAME]

2 the distance?

3 A. When he pushed the third box and  
4 hit me, that is when he closed the distance.

5 But before we even continued with  
6 this conversation, it is not acceptable for  
7 FedEx employees --

8 Q. We are not --

9 A. -- to kick boxes.

10 MS. MASSIMI: Let him -- don't  
11 interrupt him. Don't interrupt him.

12 Q. I --

13 A. That is not acceptable.

14 MS. MASSIMI: Don't interrupt  
15 him.

16 Q. I am asking you some questions.

17 A. I know, but I am just --

18 MS. MASSIMI: Don't interrupt  
19 him, Mr. McGaha.

20 Q. You might have opinions about  
21 other things that don't have anything related  
22 to questions. You can't really talk about  
23 those.

24 A. That is fine. I will answer your  
25 questions.

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1 [!WITNESS NAME]

2 Q. You were supposed to answer the  
3 questions that I ask.

4 MS. MASSIMI: Which he has been  
5 doing.

6 MR. McGAHA: Yes, with your help.

7 MS. MASSIMI: No, I have not been  
8 helping him, Mr. McGaha.

9 MR. McGAHA: I think the record  
10 speaks for itself.

11 MS. MASSIMI: You have been  
12 getting in your own way, is the problem.  
13 Please proceed.

14 Q. So you said that he closed the  
15 distance.

16 Was that before or after he  
17 pushed the third box?

18 A. I feel like I answered this  
19 already.

20 Q. Or at the same time?

21 A. He pushed the box and walked  
22 towards me simultaneously.

23 Q. Okay.

24 A. I answered that a bunch of times  
25 now.

1 [!WITNESS NAME]

2 Q. Okay. You did not.

3 A. Yes, I did.

4 MS. MASSIMI: Yes, he did.

5 A. A few times.

6 Q. But thank you.

7 A. Yes, you're welcome.

8 MS. MASSIMI: He has answered  
9 that.

10 Q. I can ask you again, if I want.

11 A. You could.

12 MS. MASSIMI: That is fine.

13 But what you can't do is falsely  
14 claim that he didn't answer it, because  
15 he did.

16 Q. So what was the distance at that  
17 point?

18 A. I would say about two feet at  
19 that point.

20 Q. You testified earlier that you  
21 also closed the distance?

22 A. Yes, I did. I walked over to him  
23 and asked him, why would he hit me with the  
24 box; that is correct.

25 Q. So at the time you walked towards

1 [!WITNESS NAME]

2 him, he was two feet away from you?

3 A. Uh-huh.

4 Q. And at the time you walked  
5 towards him, how close were you then?

6 A. I took about a foot and a half.

7 So I gave him space, because I  
8 knew that I was going to write a statement  
9 about him that day, because it kept  
10 escalating, so I purposely I went out of my  
11 way to make sure that I did not touch him.

12 But I was frustrated, because  
13 this is something that has been going on for  
14 a long time.

15 Q. Okay. So the distance went from  
16 two feet to about a half a foot --

17 A. Yes.

18 Q. -- when you closed the distance  
19 closer to him?

20 A. Yes. After he initiated it, yes,  
21 and hit me with the box.

22 Q. Do you believe that he could have  
23 felt intimidated by you closing the distance  
24 and getting closer to him, his person?

25 A. I felt like I could have been

1 [!WITNESS NAME]

2 intimidated by him kicking boxes and hitting  
3 my hand.

4 Q. I am not asking about what you  
5 felt.

6 MS. MASSIMI: Objection.

7 A. It is a possibility.

8 Q. You believe it is possible that  
9 he felt intimidated by that?

10 A. It is a possibility, yes.

11 Q. Okay. Do you believe it is  
12 possible that he could have perceived your  
13 stepping closer to him as an act of  
14 aggression?

15 A. It is possible.

16 Q. All right. So let's finish up  
17 these few paragraphs.

18 You said that -- we read 73. We  
19 will read 74.

20 Alzate tried to cut Campbell with  
21 a box cutter.

22 In an effort to protect him from  
23 getting slashed, Campbell grabbed Alzate's  
24 arm and pushed it away from him. Campbell  
25 also repeatedly asked Alzate to drop the box

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1 [!WITNESS NAME]

2 cutter, which he refused to do.

3 How did the situation finally  
4 end?

5 A. My coworkers jumped over the  
6 belt, because they were scared for me too.  
7 And we all tussled to get the box cutter out  
8 of his hand, even though he refused.

9 And I don't know who separated me  
10 from the brawl, but thank God, they did,  
11 because I was just really scared.

12 So I don't know who got the box  
13 cutter out of his hand, or when he did  
14 release it, because they had already  
15 separated me at that point.

16 Q. Okay.

17 MR. BRODSKY: Counsel, we are  
18 going to have to reset shortly.

19 MS. MASSIMI: Okay. How much  
20 time do you have on the record?

21 MR. BRODSKY: Five hours and 29  
22 minutes, almost 30 minutes.

23 MS. MASSIMI: Okay.

24 MR. BRODSKY: Can we go off and  
25 reset?

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1 [!WITNESS NAME]

2 MR. McGAHA: Sure.

3 MR. BRODSKY: The time is 17:34.

4 We are off the record.

5 (Whereupon, a short recess was  
6 taken.)

7 MR. BRODSKY: The time is 17:44.

8 We are on the record.

9 Q. Did you -- after this incident  
10 were you immediately suspended?

11 A. Yes.

12 Q. Okay. Was Alzate also  
13 immediately suspended?

14 A. I am not sure.

15 Q. Did you ever consider pressing  
16 charges against Mr. Alzate?

17 A. Yes, I thought about it.

18 Q. Did you believe what he did was a  
19 violation of the law?

20 A. Yes.

21 Q. And did you ever pursue charges  
22 against him?

23 A. No, because after the incident,  
24 no one called the police or anything. They  
25 just told him to go home.

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1 [!WITNESS NAME]

2 They just told me to go home  
3 after I wrote my statement, not to wait for  
4 him. To go home; we will call you back when  
5 we need to speak with you.

6 Q. And do you think that you could  
7 have, if you thought to at the time, still  
8 notified the police, if you believed that a  
9 crime had been committed?

10 A. I am not sure how that works.  
11 I was under the impression that  
12 if workplace violence occurred, that someone  
13 in management or even a worker would notify  
14 the authorities.

15 Are we still using Exhibit 9?

16 Q. We are using another exhibit now,  
17 exhibit 10.

18 I just handed you a document on  
19 that, I believe you are familiar with, but  
20 please take a look at it, and tell me if you  
21 are familiar with this document.

22 A. What was the question?

23 Q. Are you familiar with the  
24 document that I just handed you?

25 A. Yes.



1 [!WITNESS NAME]

2 Q. Okay. We are going to mark that  
3 as Exhibit 10.

4 What is this document?

5 A. A suspension.

6 Q. And is this suspension -- how did  
7 you receive this letter?

8 A. I don't -- I believe someone  
9 handed it to me, but I don't remember if that  
10 is how I was handed this suspension letter.

11 Q. The second paragraph of this  
12 document says, while on investigative  
13 suspension, you are not to contact any FedEx  
14 employee or customer, nor are you to enter  
15 any FedEx facility without permission of  
16 management.

17 Did you contact anyone --

18 A. No.

19 Q. Excuse me. Let me finish my  
20 question.

21 Did you contact anyone from FedEx  
22 while you were on investigative suspension  
23 about this incident?

24 A. No.

25 I actually seen Monty playing

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1 [!WITNESS NAME]

2 basketball in Astoria Park, and I usually go  
3 for a work over, and I didn't say anything to  
4 him. I actually kept walking.

5 Q. What about anyone else?

6 A. No.

7 Q. You did not contact anyone at all  
8 from FedEx during this investigative  
9 suspension?

10 A. No. I was scared to death of  
11 getting fired.

12 Q. And who signed this letter?

13 A. Whose handwriting is that?

14 Q. Yes. Who is the individual at  
15 the bottom? Is that Monty Bovell?

16 A. I am assuming, because it is next  
17 to his name, but I wasn't there when they  
18 signed that.

19 Q. Did he give you this, or do you  
20 still don't recall who gave it to you?

21 A. He probably gave it to me. He  
22 was my manager at the time, so it would make  
23 sense for him to give it to me.

24 Q. Did he witness this violence?

25 A. Not to my knowledge.

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1 [!WITNESS NAME]

2 Q. I have handed you another  
3 document.

4 This is the warning letter and  
5 termination that you received?

6 A. Yes.

7 Q. And who is it from?

8 A. It is from Eric Wanders, Lance  
9 Reyes and Monty Bovell.

10 Q. It says from Monty Bovell, and  
11 the other two are just copied?

12 A. Yes.

13 Q. And Monty Bovell signed it,  
14 correct?

15 A. Yes.

16 I don't see a signature,  
17 actually.

18 No, he didn't sign this.

19 Q. That is his name at the bottom?

20 A. Yeah.

21 Q. And he was your manager at the  
22 time, correct?

23 A. Yes.

24 Q. All right. And the document  
25 says, among other things, that you have an

1 [!WITNESS NAME]

2 opportunity to engage the GFTP process to  
3 appeal the decision to terminate?

4 A. Yes. I actually wasn't gonna GFT  
5 it, but the day that I got terminated, Monty  
6 told me I should GFT it.

7 Q. How did that conversation occur?

8 A. I was standing in front of the  
9 station after I got terminated, speaking to a  
10 few of my coworkers that asked me what  
11 happened.

12 And before I could even start  
13 speaking to them, Monty came outside and  
14 said, listen, Kevin, just GFT it, quote.  
15 This is bullshit, end quote.

16 That is what he said to me, so  
17 that is why I followed through with the GFT.

18 Q. Did he say anything else?

19 A. That is all he said.

20 Q. Did you understand that to mean  
21 he disagreed with the termination?

22 A. I am sorry. Say that again?

23 Q. Did you understand that to mean  
24 that he disagreed with your termination?

25 A. Yes. That is what was implied.

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1 [!WITNESS NAME]

2 Q. Other than saying it was  
3 bullshit, he didn't go into details about why  
4 he thought it was bullshit, did he?

5 A. Yes, he actually -- this is my  
6 personal opinion.

7 After that conversation, I  
8 generally believed that he didn't think I was  
9 going to get fired, so I don't think -- I  
10 think he said that in good faith, because he  
11 was the one that told me, this is your  
12 career, so just at least fight it, because it  
13 is bullshit. That is what he said.

14 Q. All right. All right.

15 This is the Guaranteed Fair  
16 Treatment Procedure.

17 You mentioned or testified  
18 earlier that you did engage in the GFT  
19 process.

20 And did you understand -- what  
21 did you understand the GFTP process to mean?

22 A. Guaranteed fair treatment, that  
23 you can appeal a termination, a letter,  
24 anything that is documented, that you would  
25 be seen fairly, and it was essentially a safe

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1 [!WITNESS NAME]

2 place for you to speak your case.

3 Q. And had you ever engaged the GFTP  
4 process prior to this incident?

5 A. Never. I never had any issues as  
6 far as my work experiences, as far as I am a  
7 good worker, so I never had to deal with any  
8 of those things.

9 Q. This appears to be a step one  
10 GFTP form that you filled out, correct?

11 A. Yes.

12 Q. All right. We are going to mark  
13 that as Exhibit 13.

14 So can you explain what happened  
15 during the step one process, the step one  
16 GFTP process?

17 A. Yes. The step one, I believe I  
18 submitted the documents.

19 They decided they wanted me to  
20 meet with Lance Reyes, Eric Wanders, Monty  
21 Bovell and Nan -- I don't know her full name,  
22 so I will just call her Nan. I went to the  
23 headquarters, I had a meeting with them.

24 I went into the meeting with good  
25 faith. I felt like I was going to be heard.

1 [!WITNESS NAME]

2 And something shocking happened.

3 The person who told me to GFT was sitting in  
4 the far left corner with his head down, not  
5 looking at me.

6 And I was confused, because he  
7 told me to GFT it, and he denied that he  
8 didn't know anything about me and Augusto  
9 arguing. And Eric said he didn't know  
10 anything about it.

11 So I actually felt like I wasn't  
12 treated fairly, because they were clearly  
13 lying on me, and something that was supposed  
14 to be fair.

15 Q. How were they lying on you?

16 A. Monty was lying. Monty said he  
17 wasn't aware of me and Augusto getting into  
18 arguments over the split packages.

19 Eric Wanders said that he doesn't  
20 curse at employees. Monty said he doesn't  
21 curse at employees.

22 And in hindsight, I fell like  
23 they applied some pressure to Monty and made  
24 him change his tone when I was in the GFT.

25 Q. Do you have any evidence of that?

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1 [!WITNESS NAME]

2 A. No, I don't have any evidence,  
3 besides him changing his -- the way he was  
4 acting towards me.

5 He was super gung ho about me  
6 GFT-ing it, because he felt like I was  
7 treated unfairly.

8 But in the office, he couldn't  
9 even make eye contact with me, and he changed  
10 the things that he knew to be true.

11 Q. Had he told you previously that  
12 he believed you had been treated unfairly?

13 A. Yes. When he told me that it was  
14 bullshit that I am even going through this  
15 right now, yes.

16 Q. Was that your interpretation of  
17 him saying it was bullshit, or did he say --

18 A. No, he said, this is bullshit.

19 Q. I understand he said that.

20 But what I saying is, you also  
21 testified that he had told you that you had  
22 been treated unfairly.

23 Did he say you have been treated  
24 unfairly?

25 A. No. He implied that, when he

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1 [!WITNESS NAME]

2 said that this is bullshit.

3 Q. Okay.

4 A. He implied that.

5 Q. Gotcha.

6 Let's look at Annex A, which is,  
7 I believe, the narrative portion that you  
8 attached. It is on page one, two, three --  
9 it is on the fourth page of the document that  
10 we are looking at, Exhibit 13.

11 Do you see Annex A?

12 A. Yes, of course.

13 Q. Let's look at the third  
14 paragraph. It says that I feel that my  
15 wrongful termination is part of a pattern of  
16 discrimination and retaliation against me.  
17 This pattern started from my first day at  
18 FedEx.

19 Is that the first time that you  
20 had in writing reported that you had been a  
21 victim of a pattern of discrimination and  
22 retaliation?

23 A. Yes.

24 Q. It says, next I was hired by  
25 FedEx Express when they acquired TNT. I did

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1 [!WITNESS NAME]

2 not have my driver's license when I was first  
3 hired, and have been harassed about this fact  
4 since my start date.

5 Had you told anyone up until this  
6 point that you had been harassed because you  
7 did not have a license?

8 A. Yes. Henry Nunez, Eric Wanders,  
9 those are the two managers that I can name  
10 off the top of my head that I definitely  
11 expressed that I was basically being picked  
12 on and laughed at because I was a grown man  
13 without a license.

14 Q. Did you tell them that you  
15 believed that you were being picked on and  
16 harassed based of your race, or just because  
17 you did not have a license?

18 A. This is when I first got hired,  
19 so no, it had nothing to do with race back  
20 then, no. So no, I didn't tell them that,  
21 'cause that wouldn't be true.

22 Q. It says, I received mix messages  
23 from management about how late I could work.  
24 I was often told to go home early, and was  
25 not allowed to make 35 hours, even though I

1 [!WITNESS NAME]

2 am a full-time employee.

3 However, on other occasions I was  
4 yelled at for leaving early. I was told on  
5 multiple occasions that I can't possibly work  
6 hard because I do not have my own route.

7 Prior to this, had you -- did you  
8 report that you had been yelled at for  
9 leaving early?

10 A. Oh, Eric yelled at me for leaving  
11 early one peak. It was Eric that yelled at  
12 me.

13 Q. Okay. So was he --

14 A. He yelled at me a bunch of times,  
15 and I got yelled at.

16 Managers -- I have been yelled at  
17 by managers, and they weren't even mad at me.  
18 That was the norm at this station. That is  
19 the norm.

20 Q. To yell, in general?

21 A. To yell negative things that they  
22 feel like is acceptable, yes.

23 Q. Do they yell at everybody?

24 A. The people that I worked with got  
25 yelled at, the people on my belt.

1 [!WITNESS NAME]

2 I can't speak for the whole  
3 station.

4 Q. Okay. So he yelled at people  
5 regardless of their race; is that right?

6 A. Yes.

7 Q. Okay. So you said here, I was  
8 told on multiple occasions I can't  
9 possibly -- it says possible, but I think you  
10 mean possibly -- work hard because I do not  
11 have my own route.

12 Who said that?

13 A. Henry has said it to me. I have  
14 had Eric say it to me, because I didn't  
15 drive, I can't possibly work hard.

16 I have had -- I am sorry. Those  
17 are the only people I can think of right now,  
18 but it has been said to me a few times, even  
19 swing drivers that I went out with. I cannot  
20 remember their names right now.

21 Q. Okay.

22 A. I am sorry.

23 Q. Were you the only courier who  
24 didn't have a route?

25 A. I had a route, I just wasn't a

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1 [!WITNESS NAME]

2 driver. I worked alongside on a route every  
3 day, but I just wasn't a driver. So that is  
4 what they mean by route, driver. Those are  
5 adjacent, like in that context.

6 Q. Is that what you mean --

7 A. Yes.

8 Q. -- when you say for not having  
9 your own route --

10 A. Yes.

11 Q. -- that you weren't a driver?

12 A. I am not by myself, I am with  
13 someone.

14 Q. Understood.

15 I was hired as a non-driving  
16 courier, and I always worked very hard when I  
17 was sent out with drivers.

18 After the death of George Floyd,  
19 and the protests in the summer of 2020, the  
20 work environment became more tense and  
21 hostile. One employee called me a gorilla in  
22 a cage.

23 Is this the first time that you  
24 reported that you had been called a gorilla  
25 in a cage?

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1 [!WITNESS NAME]

2 MS. MASSIMI: Objection.

3 You can answer.

4 A. I told you, this situation in  
5 which I was called a gorilla in a cage, I  
6 didn't report it. I only spoke to Roberta  
7 about that.

8 Q. Another employee asked me in  
9 front of management if I was out during the  
10 protests stealing TVs.

11 Had you reported that previously?

12 A. Henry was there.

13 I didn't feel the need to report  
14 it, because a manager was present.

15 But according to you, I should  
16 have reported it to a black manager.

17 Q. I am not testifying today.

18 I felt that this hostile work  
19 environment, hostile environment was condoned  
20 by management because they were often present  
21 for these incidents and did nothing about  
22 them.

23 Also, around the time of the  
24 protests last summer, an employee called me  
25 Trayvon Martin, even though he knows that is

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1 [!WITNESS NAME]

2 not my name.

3 And he asked, why are you washing  
4 your hands for so long? Is it because you  
5 are not supposed to -- you are not used to  
6 having running water in the projects?

7 I wrote a statement about this  
8 racially discriminatory incident.

9 The employee was able to keep his  
10 job. My work situation escalated after I  
11 reported the incident. Many employees  
12 stopped speaking to me, and when I would walk  
13 past groups of employees, they would mutter  
14 snitch, under their breath.

15 You testified earlier that you  
16 did not hear anyone call you snitch.

17 Is that still your testimony  
18 today?

19 A. No. I heard people say it under  
20 their breath.

21 I said no one said it to my face;  
22 that is what I said.

23 Q. Okay.

24 A. Yeah. No one walked up to me and  
25 said Kevin, you are snitch, no. They would

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1 [!WITNESS NAME]

2 mumble things as I would walk by. That is  
3 what I meant.

4 Q. But you don't remember who these  
5 individuals were mumbling?

6 A. Not off the top of my head. It  
7 is so many years ago now.

8 Q. Okay. But prior to you writing  
9 this statement, you did not report this was  
10 occurring?

11 A. No. This was, I believe, after I  
12 got terminated, if I am not mistaken.

13 Q. Okay. The other employee  
14 involved in the incident is married to a  
15 woman who works in the office of my station.  
16 She would often give my broken Leos, and when  
17 I called the office to call out sick one  
18 morning, she hung up on me.

19 So here it says this happened on  
20 a single occasion?

21 A. I was just explaining that  
22 situation. I could have stretched it out,  
23 but I didn't see the reason to stretch it  
24 out, hence this is already a long write-up.

25 Q. Okay.



1 [!WITNESS NAME]

2 A. Yeah.

3 Q. So is it your testimony today  
4 that it happened more than once?

5 A. I did say that, yes.

6 Q. So had you reported it, though,  
7 prior to this incident?

8 A. No. I never spoke to any manager  
9 about it. I didn't feel confident enough to  
10 tell them that.

11 Q. Okay.

12 A. I just took it on the chin.

13 Q. Next sentence, although racist  
14 ~~comments~~ and mistreatment continued, I didn't  
15 feel like writing a statement would make the  
16 situation better.

17 Because of that, I tried to just  
18 ignore Augusto. He would often curse me out  
19 or hit into me.

20 You said hit into you. What --

21 A. He would bump against -- so I  
22 don't know how familiar you are with the  
23 station, but there is not a lot of space on  
24 that side of the belt, so there would be  
25 boxes on the floor, so it would be really

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1 [!WITNESS NAME]

2 tight.

3 So he would bump into me as he  
4 was passing by. But I like to give people  
5 the benefit of the doubt, so he is a smaller  
6 guy, so I just -- he bumped, I would just  
7 ignore him, because I gave him the benefit of  
8 the doubt.

9 Maybe he is having a bad day.  
10 Maybe he couldn't find the space to pass by.

11 So I never felt the need to  
12 report that, because it could be an accident.

13 Q. So you thought it was an  
14 accident?

15 A. Deep down inside, I didn't feel  
16 like it was an accident.

17 But I love to give people the  
18 benefit of the doubt. That is just how I am.

19 Q. Okay.

20 A. So I just let it go.

21 Q. Did you ever say anything to him  
22 about it?

23 A. No. I tried to limit my  
24 interaction with him completely, 'cause he is  
25 extremely disrespectful and abusive.

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1 [!WITNESS NAME]

2 Q. It says because of that, I tried  
3 to just ignore Augusto when he found often --  
4 he would often curse me out or hit into me.

5 I feel that the May 18th  
6 situation is a continuation of the constant  
7 discrimination and retaliation I faced. I am  
8 not accepted or liked by other employees and  
9 management because I do not drive and because  
10 I am a young black man, okay?

11 Did you get an opportunity to  
12 provide your -- in addition to writing in the  
13 narrative in the annex similarly to what we  
14 just read, do you feel like you got an  
15 opportunity to provide your -- make an  
16 argument at the GFTP to provide your side of  
17 the story?

18 A. No, not at all.

19 I spoke my peace, and didn't seem  
20 like they were really open to hear my side of  
21 the story. It seemed like they had their  
22 mind made up before I even got there, so I  
23 felt very defeated in the GFT process.

24 Q. Was there anything that you --  
25 was there evidence that you wanted to present

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1 [!WITNESS NAME]

2 that you were not able to?

3 A. Yes.

4 Q. Okay.

5 A. The fact that managers knew that  
6 Augusto didn't like how I split the belt.  
7 Situations where a manager came up to me,  
8 Henry came up to me one day and said, Augusto  
9 got something for you watch. I don't know  
10 what he meant, but in hindsight, I guess this  
11 was something that was spoken about before.

12 So in situations like that, when  
13 I go into the GFT, and I am explaining my  
14 truth, it doesn't feel like they are  
15 listening to me. Their mind is already made  
16 up.

17 Q. I asked a very specific question.

18 I asked you whether or not there  
19 was evidence that you were not allowed to  
20 present. In other words, you talk about  
21 something you can provide written  
22 documentation?

23 A. Uh-huh.

24 Q. I don't think you can provide  
25 recordings, but you can provide paper

1 [!WITNESS NAME]

2 documents.

3 Was there anything that you were  
4 not allowed to present to the GFT during the  
5 GFT step one?

6 A. No. They never told me I  
7 couldn't bring any evidence. They never told  
8 me that.

9 Q. Everything that you wanted to be  
10 able to present, you were able to; is that  
11 correct?

12 A. Yes.

13 Q. Okay. I am going to hand you  
14 another document. This document, this is a  
15 letter to you from Monty Bovell, with Monty  
16 Bovell's name on the bottom.

17 A. Yes.

18 Q. And is this -- did you receive  
19 this on or around June 4th of 2021?

20 A. Sounds about right, yes.

21 Q. I am going to mark that as  
22 Exhibit 14. All right.

23 So, did you understand this  
24 letter when you received it, what it was  
25 saying?

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1 [!WITNESS NAME]

2 A. Yes.

3 Q. Okay. I believe this -- you  
4 received this before the GFT.

5 The actual -- you had submitted  
6 your GFT paperwork, but I believe you  
7 received this before the GFT actually  
8 occurred, correct?

9 A. It is possible. I don't remember  
10 the dates.

11 Q. The last paragraph, any  
12 additional questions or concerns that you may  
13 have can be addressed during the step one  
14 GFT?

15 A. So this is before my first GFT.

16 Q. Yeah. Okay. All right. All  
17 right.

18 Does this document look familiar  
19 to you?

20 A. Yes.

21 Q. And is this the letter that you  
22 received after the GFT occurred?

23 A. Yes.

24 Q. And this is from Nanette. Is it  
25 accurate that Eric, Monty, Lance and Nanette

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1 [!WITNESS NAME]

2 and you were the only people at the GFT?

3 A. Yes. I explained that to you  
4 earlier.

5 Q. I just wanted to make sure I had  
6 an understanding, I didn't miss anything.  
7 All right.

8 At the very bottom it gives you  
9 an opportunity to activate the step two  
10 process. Do you see that?

11 A. Yes.

12 Q. And did you?

13 A. Yes, I did.

14 Q. I am handing you what appears to  
15 be the step two GFTP form.

16 Is that the step two form that  
17 you submitted?

18 A. Yes.

19 Q. I am going to mark that as  
20 Exhibit 16.

21 Can you explain how the GFTP step  
22 one and the GFTP step two process were  
23 different, if at all?

24 A. Pretty much the same.

25 Q. Was there another meeting?

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1 [!WITNESS NAME]

2 A. No. I had another meeting with  
3 what Nan explained to me was an equal  
4 opportunity employment. I am not sure what  
5 it is, some EEOC in terms of the racial thing  
6 that I -- that was later. That was the  
7 second time I met with them.

8 But the GFT step two, I don't  
9 believe -- I do not meet with them twice --

10 Q. Okay.

11 A. -- for that.

12 Q. It does look like you, in the GFT  
13 step two, included some addition information,  
14 because there is the initial annex, Annex B.

15 Do you see that where it appears  
16 that you are responding to Monty's letter,  
17 which we just marked as Exhibit, I believe it  
18 was 14, and then Nan's letter, which we  
19 marked as 15.

20 Is that accurate, if you look at  
21 Annex B?

22 A. Yes.

23 Q. Was there anything that you --  
24 looking at this document, from what you can  
25 recall, was there any evidence that you were

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1 [!WITNESS NAME]

2 not able to present that you wanted to  
3 present in this step two process?

4 A. Evidence, no. There wasn't no  
5 evidence that I wanted to present.

6 Q. Okay.

7 A. 'Cause they had the video  
8 footage. I felt like that was enough  
9 evidence at the time.

10 Q. Did you all watch the video  
11 footage?

12 A. They never showed me the video.

13 Q. Did you ask any questions? Were  
14 you able to ask any questions?

15 A. Yeah, I was able to ask  
16 questions, but they told me they wouldn't  
17 show me the video.

18 Q. Do you feel like -- did you ask  
19 to see the video?

20 A. I did. I believe I asked the  
21 head of the security guard that told me he  
22 watched the video for seven hours, if I was  
23 able to see it, if I am not mistaken, before  
24 we even sat down.

25 Q. Was he there?

1 [!WITNESS NAME]

2 A. He is always on site. But he  
3 wasn't there when the commotion happened, no.  
4 He watched the videotape.

5 Q. So when did you ask him for the  
6 video?

7 A. Oh, the day after they called me  
8 in to speak with him, he started recording  
9 our conversation, but I asked him if I could  
10 see the video before.

11 I didn't even know he was going  
12 to record me. I asked to see the video as  
13 soon as I stepped in.

14 And he was like, we are going to  
15 just have a meeting, and I will get to that.

16 Q. So you did not ask to see the  
17 video at the GFTP?

18 A. I never seen the video at all,  
19 until they handed it over to my attorney.

20 Q. So when you say that you asked to  
21 see the video, but you were not able to, that  
22 was prior to the GFTP?

23 A. Yes.

24 Q. All right. All right.

25 So this is a letter addressed to

1 [!WITNESS NAME]

2 you from Ken Wilson.

3 Do you remember getting this?

4 A. Yes.

5 Q. It is dated June 21, 2021.

6 And this appears to notify you  
7 that after this step two process, Mr. Wilson  
8 would be upholding the termination decision,  
9 correct?

10 A. Yes.

11 Q. And it also notifies you that you  
12 have an additional opportunity to engage the  
13 third step, which is step three, correct, in  
14 the last paragraph?

15 A. Yes.

16 Q. Did you engage step three?

17 A. Yes, I believe I mailed the  
18 paperwork.

19 And I didn't get to meet with  
20 anyone for step three, also.

21 Q. Okay. Do you know whether or not  
22 a meeting is required for this second and  
23 third step?

24 A. I am not sure how it works,  
25 honestly.

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1 [!WITNESS NAME]

2 Q. So what I just handed you is what  
3 appears to be the step three GFT form.

4 Is it the form that you filled  
5 out?

6 A. Yes.

7 Q. And it appears to be essentially  
8 the same document, as far as the annex are  
9 concerned, that you submitted for step two;  
10 is that accurate?

11 A. Yes.

12 Q. Okay. All right. So --

13 MS. MASSIMI: How much time on  
14 the record do we have?

15 MR. BRODSKY: 5-58.

16 Q. Do you have any reason to believe  
17 the step three process was unfair in any way?

18 A. Yes.

19 Q. What evidence do you have, or  
20 what reason do you have to believe that?

21 A. No one spoke to me directly.

22 They sent very vague letters.

23 Every letter seemed to become more and more  
24 vague. I actually felt cheated out of  
25 someone hearing my story.

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1 [!WITNESS NAME]

2 That is the reason why I sent the  
3 same annexes, 'cause I figured someone higher  
4 up would see it, and it would gain attention  
5 or traction for someone to at least want to  
6 speak to me, to at least hear my side of the  
7 story; but that never happened.

8 Q. Do you know whether or not the  
9 GFT policy -- and I believe you have it --  
10 glad to give you some time to take a look at  
11 it, closer look at it.

12 Do you know whether or not the  
13 policy was violated with respect to your GFT  
14 that is Exhibit Number 12?

15 MS. MASSIMI: Objection.

16 You can answer the question.

17 Are you asking him to review that  
18 exhibit?

19 Q. I am asking -- you're welcome to  
20 review the exhibit.

21 But I am asking you whether or  
22 not you said you believed that the process --  
23 you believed the process was not fair, right?

24 A. Yes.

25 Q. And I am asking you whether or

Page 412

1 [!WITNESS NAME]

2 not you believe that the policy was violated  
3 during the GFT process?

4 A. It is possible.

5 Q. Do you have any evidence that the  
6 policy was violated?

7 A. No, I don't.

8 Q. Okay. All right.

9 You also testified that you filed  
10 an IEEO; is that correct?

11 A. Yes. Nan told me that she would  
12 conduct an investigation, and she met with me  
13 after the GFT essentially failed.

14 Q. Okay.

15 MR. McGAHA: I am sorry. Give me  
16 one second.

17 What did I just hand you?

18 MS. MASSIMI: 20.

19 MR. McGAHA: Did I not do 19? I  
20 have 18. I handed you 19. Okay.

21 Before I get to 20, I am sorry,  
22 let me ask you about 19. So 19.

23 We have 18 marked, do we not?

24 THE WITNESS: Yes.

25 MR. McGAHA: Okay. Fantastic.

1 [!WITNESS NAME]

2 Q. Exhibit 19 is a letter that  
3 appears to be addressed to you, correct?

4 A. Yes.

5 Q. And it is from David Huffer, the  
6 Human Resources manager, HR services  
7 department.

8 In the first paragraph he says  
9 that this letter is to confirm that FedEx  
10 Express has received your internal IEEO  
11 complaint, and to inform you that an  
12 investigation has begun via the internal IEEO  
13 complaint process in accordance with company  
14 policy. Do you see that?

15 A. Yes.

16 Q. Who initiated the IEEO on your  
17 behalf, if anyone?

18 A. I believe it was Nan.

19 Q. Okay.

20 A. I believe I asked her if it was  
21 possible for her to do an investigation on  
22 that.

23 Q. What was the IEEO based on, if  
24 you can recall?

25 A. I can't recall at this moment.

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1 [!WITNESS NAME]

2 Q. Was it based on the allegations  
3 that you made in the GFT?

4 A. Most definitely, but I can't  
5 remember the intricate details of what I told  
6 Nan that day when I met with her.

7 Q. Were you involved in the IEEO  
8 investigation?

9 A. In terms of?

10 Q. Were you interviewed?

11 A. Yes, they interviewed me.

12 Q. And this --

13 A. That was after my GFT failed,  
14 yes.

15 Q. They didn't interview you over  
16 the phone?

17 A. No. They actually -- Lance Reyes  
18 actually called me a few times to set up a  
19 time for us to meet at headquarters in Long  
20 Island.

21 I met up with him. He seemed to  
22 want to speak to me without Nan present. He  
23 spoke to me in a conference room for about  
24 ten minutes with the door locked. He spoke  
25 to me because he wanted to get to know me a

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1 [!WITNESS NAME]

2 little better.

3 Nan came into the conference  
4 room. We started the interview. We  
5 conducted the interview.

6 I told him it was a pleasure  
7 working with them. I left.

8 As I am in the parking lot,  
9 walking to my car, Lance comes outside, and  
10 Lance tells me again, another person of color  
11 is telling me that I didn't deserve this, and  
12 he wished that I would have called him and  
13 let him know what I was dealing with.

14 And I explained to him that I  
15 felt pressured and scared to make any phone  
16 calls after I complained about Pete. And  
17 that was the conversation that we had, and I  
18 explained to him it is okay. Sometimes  
19 things happen.

20 And I went to my car and I drove  
21 home.

22 That was the last time I spoke to  
23 Lance or Nan that day.

24 Q. Had you met Lance before that?

25 A. Yeah. I met Lance at the first

Page 416

1 [!WITNESS NAME]

2 GFT.

3 Q. That is the first time you met  
4 Lance?

5 A. Yeah. He came to the building,  
6 but I didn't formally introduce myself to  
7 him, and he didn't introduce himself to me.  
8 He was just walking around. But the first  
9 time I actually met Lance was at the GFT.

10 Q. Gotcha it.

11 A. Yes.

12 Q. So you had seen lance before, but  
13 not formally introduced yourself to Lance?

14 A. Yeah. He was on the other side  
15 of the belt.

16 Q. From the GFT?

17 A. Yes.

18 Q. And you said that after the --  
19 after the IEEO interview -- first you said  
20 that he met with you, before Nan came into  
21 the room?

22 A. Yes. Nan was on a phone call.

23 And to my knowledge, because she  
24 said it, she did not know that he was going  
25 to speak with me alone in the conference

Page 417

1 [!WITNESS NAME]

2 room.

3 So he pulled me into the  
4 conference room and spoke to me behind Nan's  
5 back, and that is how I found out that we  
6 grew up in the same neighborhood. We are  
7 very close in age.

8 And he also disclosed that he was  
9 having racial issues at the job, also.

10 Q. Okay. Do you have any  
11 documentation of this conversation?

12 A. No, no. I don't have any  
13 documentation of this, no.

14 Q. Okay. When you say he spoke with  
15 you behind Nan's back, what do you mean,  
16 behind her back? You mean without her  
17 permission?

18 A. I don't think he needed  
19 permission to speak to me.

20 I think that he really just  
21 wanted to talk me one on one, without Nan in  
22 the room.

23 Q. Okay. And what did he say during  
24 the discussion, other than you said he  
25 mentioned that he had issues?

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1 [!WITNESS NAME]

2 A. Yeah, but we didn't really get  
3 enough time to get into that.

4 But he was also saying, listen, I  
5 am thinking about getting up out of this  
6 company, was his exact words, because I am  
7 dealing with some racial issues myself.

8 And I sat on the other end of the  
9 conference room table, confused, because I  
10 have my own situation that I was dealing  
11 with; but I felt like he wanted to make a  
12 connection between the two of us.

13 Honestly, I didn't know where  
14 that stemmed from, because I just came there  
15 for my interview.

16 And when Nan finally got off her  
17 phone call and came into the conference room,  
18 she seemed really shocked and a little upset  
19 that me and Lance Reyes was in the conference  
20 room speaking without her. It was a little  
21 uncomfortable.

22 Q. Did she say anything about it?

23 A. She didn't say anything. She  
24 acted like it was okay, but you could sense  
25 the tension in the conference room.

1 [!WITNESS NAME]

2 When I was giving my testimony,  
3 Nan would ask me certain questions, like why  
4 wouldn't you just tell a manager, if people  
5 are picking on you?

6 And I would make a comment such  
7 as, you know, I asked Nan, has she ever felt  
8 defeated, coming to work every day because  
9 everyone is treating you different, people  
10 are being racist to you.

11 And she stood there and said,  
12 well, I would just tell a manager, very cold.

13 And I seen Lance, out of the  
14 corner of my eye, nodding his head, because I  
15 felt like he could relate to that, so I felt  
16 like at least I am getting through to  
17 someone.

18 So I thought that this process  
19 would possibly give me an audience to speak  
20 my truth to someone other than Nan and Lance  
21 at the time.

22 Q. Okay. And how long was -- you  
23 said that you met with Lance for ten minutes,  
24 right?

25 A. Roughly like ten minutes.

1 [!WITNESS NAME]

2 Q. And then you met with the two of  
3 them Lance and Nan, how long was that  
4 discussion?

5 A. I feel like that meeting or  
6 interview was possibly about an hour.

7 Q. Okay.

8 A. I believe it was about an hour,  
9 hour and a half.

10 I can't recall the full time,  
11 because it was very traumatic for me to even  
12 be there in that situation, so that is not  
13 something that was substantial to me at the  
14 time.

15 Q. Okay. And you said that after  
16 that meeting, Mr. Wanders -- Mr. Reyes said  
17 something else to you in parking lot?

18 A. Yes.

19 Q. And what did he say?

20 A. He basically alluded to --

21 Q. I don't want to characterize.

22 A. -- the reason I was fired, it  
23 wasn't fair.

24 He basically was telling me that  
25 he didn't know the facts prior to the first

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1 [!WITNESS NAME]

2 GFT, and personally, he wished that I would  
3 have called him.

4 Stopped him when I saw him that  
5 day and expressed to him all of the  
6 grievances that I had.

7 But I also expressed to him that  
8 he was a brand new HR representative, so I  
9 didn't really know how to go about that, and  
10 I was scared, and he told me that he  
11 understood that.

12 And after that conversation, I  
13 told him, you know, if it is meant to be, it  
14 is meant to be. But I told him to have a  
15 good day, and I walked to my car, and I drove  
16 home.

17 Q. So you said that he alluded to it  
18 being unfair?

19 A. Yes.

20 Q. Did he say it was unfair?

21 A. Yes. Basically, yeah, he implied  
22 that it was unfair, and he didn't agree with  
23 it.

24 Q. How did he imply it?

25 A. By the conversation that we had.

1 [!WITNESS NAME]

2 Q. He may have implied it, and he  
3 may have alluded to it.

4 I am asking whether or not he  
5 said the words.

6 Did he say what happened to you  
7 was unfair?

8 A. Yes. He was another one that  
9 basically, that literally said that it was  
10 BS, why this happened to me, that it is not  
11 fair. He literally said that to me.

12 Q. He said which one, that it was  
13 BS?

14 A. Both.

15 Q. Did he say the words bullshit?

16 A. Yes. You can say bullshit, yes.

17 Q. So Lance told you out of his  
18 mouth, quote, that it was bullshit, and that  
19 it was unfair?

20 A. Yes.

21 Q. Did he specify what he meant,  
22 what he was talking about, when he said it  
23 was unfair?

24 What was unfair?

25 Did he say what was unfair?



1 [!WITNESS NAME]

2 A. Yeah. The whole situation that I  
3 was put in, the whole process.

4 The conversation wasn't a long  
5 conversation. It was very brief. It was  
6 very straight to the point.

7 I actually was extremely shocked  
8 that he came outside and spoke to me after.

9 Q. You said the process, the GFT  
10 process?

11 A. I think the whole situation that  
12 I went through, the whole GFT, me getting  
13 fired, my life being put in danger, no one  
14 calling the police, things of that nature.  
15 You know, it is so much.

16 But I understood why he got  
17 frustrated and said those things, which I  
18 think I am not sure he was supposed to say  
19 those things to me, but he said them.

20 Q. So you -- he did not specify what  
21 was unfair?

22 A. No. He didn't specify in detail,  
23 no.

24 Q. Okay. Are there any specific  
25 incidents that you can recall occurred,

Page 424

1 [!WITNESS NAME]

2 because again, between paragraphs on --

3 between paragraphs 23 and 27 --

4 A. What exhibit are we looking on?

5 Q. I am looking at the complaint.

6 MS. MASSIMI: Back to the  
7 complaint?

8 MR. McGAHA: Yes. That is  
9 Exhibit 9.

10 MS. MASSIMI: Seven hours. This  
11 deposition is over.

12 MR. McGAHA: Glad that you  
13 listened to the judge on working with me  
14 to figure that out.

15 MS. MASSIMI: You are not working  
16 with yourself.

17 Please proceed.

18 The court reporter has also said  
19 that she needs to leave.

20 Please proceed.

21 A. Which exhibit is the complaint?

22 I am so sorry.

23 Q. It is Exhibit 9. I asked you  
24 earlier, Paragraph 23 of the complaint.

25 A. Yes.

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1 [!WITNESS NAME]

2 Q. Is the allegation related to  
3 Henry Nunez and the discussion that you had  
4 with him about the amount of work that was  
5 being assigned, right? All right.

6 Then he makes a statement in  
7 Paragraph 24 about the black people are  
8 always making excuses about why they can't do  
9 things, which is why I hate working with  
10 black people.

11 The next time that is specified  
12 in your complaint is in Paragraph 27, which  
13 is in the summer of 2020, many of Campbell's  
14 white and Latino coworkers began coming to  
15 work expressing blatantly racist views in the  
16 wake of George Floyd's murder. All right?

17 MS. MASSIMI: Objection.

18 Q. Okay. So --

19 MS. MASSIMI: You can save time  
20 if you stop simply just reading out loud  
21 directly from the documents repeatedly.

22 MR. McGAHA: This is my  
23 deposition.

24 MS. MASSIMI: You can spend the  
25 time the way you want.

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1 [!WITNESS NAME]

2 MR. McGAHA: Exactly.

3 MS. MASSIMI: But you don't --  
4 but that is the allotted time.

5 We are not staying late for you  
6 to read to yourself from documents that  
7 you already deposed him about.

8 Q. It says in the summer 2020, many  
9 of Campbell's white and Latino coworkers  
10 began coming to work expressing blatantly  
11 racist views in the wake of George Floyd's  
12 murder and the protests that followed,  
13 thereby creating a racially hostile work  
14 environment for Campbell. All right.

15 There is nothing else in your  
16 complaint between the 2018 incident described  
17 in Paragraph 23 and 24 and the blatantly  
18 racist views that were expressed by coworkers  
19 in the summer of 2020.

20 MS. MASSIMI: Objection.

21 Q. Today, is there anything that you  
22 can think of that occurred during that time  
23 period --

24 A. While I was at FedEx, yes. I  
25 spoke about it with the managers being

Page 427

1 [!WITNESS NAME]

2 present about the riots.

3 Q. Let me finish my question.

4 A. Oh, I am so sorry.

5 Q. Thank you.

6 Is there anything that you can  
7 think of right now that occurred between  
8 those two time periods that you believe to be  
9 discriminatory, harassing or retaliatory?

10 MS. MASSIMI: Objection.

11 Q. When I say discriminatory and  
12 harassing, I mean based on your race.

13 MS. MASSIMI: Objection.

14 You can answer the question  
15 again.

16 A. I want you to rephrase the  
17 question and give me a timeline.

18 Are you talking from the first  
19 incident with Henry until the incident with  
20 Augusto, that whole timeline?

21 Q. Nope.

22 A. Okay.

23 Q. This appears to be a complaint  
24 that is in chronological order.

25 A. Yes, it is.

1 [!WITNESS NAME]

2 Q. Okay.

3 A. Yes.

4 Q. Fantastic. So in paragraphs 23  
5 and 24, the incident with Henry was that  
6 black people are always making excuses about  
7 why they can't do things. This is why I hate  
8 working with black people.

9 And you reported that to Eric?

10 A. Yes.

11 Q. And then in Paragraph 27 you jump  
12 to in the summer of 2020, many of Campbell's  
13 white and Latino coworkers began coming to  
14 work expressing blatantly racist views.

15 So can you explain, or do you  
16 recall, as you testify here today, anything  
17 that occurred between those two time periods?

18 A. Oh, yeah. I spoke about that  
19 earlier. I said that a lot of things were  
20 blatantly said, but I chose to ignore it.

21 Q. What things?

22 A. Racial things.

23 Q. Like what?

24 A. Negative things that people would  
25 say on the belt and in the break room.

1 [!WITNESS NAME]

2 Q. Like what?

3 A. I can't remember exactly what  
4 everyone said. I am sorry.

5 Q. So that is about a two-year gap.  
6 And I am asking you, this is your  
7 opportunity to tell me something that you can  
8 recall, or maybe not recall, but I need to  
9 know one way or the other whether or not you  
10 can recall any incident that occurred between  
11 what you described in Paragraph 24 and what  
12 you described in paragraph 27 that you  
13 believe --

14 A. But --

15 Q. Excuse me -- that you believe was  
16 either discriminatory or harassing, based on  
17 your race, or retaliatory?

18 A. I don't recall.

19 MS. MASSIMI: Objection.

20 You can answer the question.

21 A. I don't recall all the things  
22 that were said. That is why it is not in my  
23 complaint.

24 Q. Okay. What about things that  
25 were done?

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1 [!WITNESS NAME]

2 A. It is the same, the same thing.

3 Q. All right. Just want to make  
4 sure. Thank you.

5 A. Yes.

6 Q. Let's see. Why are you suing  
7 Eric Wanders for discrimination, retaliation  
8 and harassment?

9 A. I am suing Eric because I believe  
10 he had the power to not terminate me, and  
11 chose to terminate me.

12 Q. Okay. And is that it?

13 A. No. I think it was racially  
14 motivated.

15 Q. What was racially motivated?

16 A. Him firing me, him terminating  
17 me.

18 I believe that was motivated due  
19 to race, and it was motivated by him  
20 potentially seeing me as a problem with the  
21 statement that I wrote and the commotion that  
22 it caused.

23 Q. What statement that you wrote?

24 A. The statement that I wrote about  
25 Pete Lorenzi. Lorenzi, Lorenzo. I don't

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1 [!WITNESS NAME]

2 know his last name, yes.

3 Q. So do you have any evidence that  
4 Mr. Wanders had any racist views?

5 A. Concrete evidence, no.

6 Q. Do you have any evidence that  
7 Mr. Wanders would discriminate against you  
8 because of your race?

9 A. Yes, I do have evidence, in the  
10 sense of Eric and myself had a decent work  
11 relationship, but after I wrote the statement  
12 about Pete Lorenzi, he started treating me  
13 really bad.

14 And that was really unlike Eric  
15 at the time, so I do believe the retaliation  
16 is definitely coming from the top, because he  
17 never used to speak to me the way that he  
18 spoke to me until after I wrote the statement  
19 about Pete Lorenzi.

20 Q. How did he speak to you after you  
21 wrote the statement about Pete Lorenzi?

22 A. He would curse me out and yell  
23 and scream till a vein in his forehead would  
24 pop out. That is how hard he would scream at  
25 me.

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1 [!WITNESS NAME]

2 And I wasn't a driver, so I  
3 didn't understand, because on one hand of the  
4 spectrum, you tell me I don't work hard, go  
5 home early.

6 Then on the other hand of the  
7 spectrum you are telling me it is peak, and  
8 nobody leaves early. You are cursing at me.

9 So I am really just confused, as  
10 a worker, when it comes from Eric.

11 Q. Did you see him scream at anyone  
12 else?

13 A. No. I never seen Eric scream at  
14 anyone else, no.

15 Q. Did you ever see him curse at  
16 anyone else?

17 A. I have seen him curse at few  
18 people before. Yes, he cursed. He curses.

19 Q. Did you believe that he screamed  
20 and cursed at you in a way that he did not  
21 scream and curse at others?

22 A. I am not sure.

23 I can't answer that question in  
24 good faith.

25 Q. So the evidence that he

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1 [!WITNESS NAME]

2 discriminated against you based on your race  
3 is that he treated you differently after you  
4 reported Pete Lorenzi; is that correct?

5 A. Yes.

6 Q. And by treating you differently,  
7 you mean he yelled at you and screamed at  
8 you?

9 A. And made me feel extremely  
10 uncomfortable in the workplace.

11 Q. And did you ever report this to  
12 anyone?

13 A. No.

14 Q. Okay. When you say he made you  
15 feel uncomfortable, what do you mean?

16 A. You want an example?

17 Q. Yeah. I want to know what you  
18 mean by uncomfortable.

19 A. Okay. One day I was walking past  
20 Eric's office, and he calls me into the  
21 office and tells me to close the door behind  
22 me, and asked me if I am okay.

23 And I said yeah, I am fine. Why  
24 would you ask that?

25 He said, oh, I just want to make

1 [!WITNESS NAME]

2 sure.

3 And the way he stared at me was  
4 so menacing that it made me uncomfortable,  
5 because he normally doesn't do things like  
6 that. And I feel like he was imposing some  
7 kind of influence over me, like kind of like  
8 keeping me in check, and letting me -- like  
9 reminding me that he was the boss.

10 And I just felt like -- I just  
11 felt like it wasn't professional. It was a  
12 little bit more going on there.

13 Q. That he asked you if you were  
14 okay?

15 MS. MASSIMI: Objection. That  
16 wasn't his testimony.

17 You can answer the question  
18 again.

19 A. It is not what you say, it is how  
20 you say it.

21 Q. And how did he say it?

22 A. He didn't write it on a piece of  
23 paper. He said it in a very menacing, rude  
24 way.

25 Q. And you believed it was menacing

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1 [!WITNESS NAME]

2 and rude based on what?

3 A. The way he looked at me, the way  
4 he said it, and the way that he asked me to  
5 close the door behind me.

6 Q. Did anyone witness this?

7 A. He closed the door, closed the  
8 door behind him, because he wanted to speak  
9 to me in private.

10 That is something that the  
11 managers do in the station.

12 Like Mike will tell you, Mike has  
13 done that a few times to people.

14 Q. I said, did anyone witness?

15 A. No, no one witnessed.

16 MS. MASSIMI: He answered the  
17 question.

18 MR. McGAHA: He did not.

19 A. No, no one witnessed it.

20 MR. McGAHA: He did not answer  
21 the question.

22 MS. MASSIMI: He answered the  
23 question.

24 MR. McGAHA: I asked him, did  
25 anyone witness --

1 [!WITNESS NAME]

2 MS. MASSIMI: Mr. McGaha, proceed  
3 with your deposition. Proceed with your  
4 deposition. He has answered all of your  
5 questions multiple times.

6 I am unsure when what you mean  
7 when you say this is fantastic. You  
8 keep muttering that under your breath.

9 I would again ask you to cease  
10 with the sarcasm, and treat the witness  
11 with respect.

12 Q. What is the highest level of  
13 education that you have had, Mr. Wanders  
14 [sic]?

15 A. Some high school, at that time.

16 Q. I am sorry, I called you  
17 Mr. Wanders, Mr. --

18 A. Campbell.

19 MS. MASSIMI: Did you forget his  
20 name?

21 A. Campbell.

22 MS. MASSIMI: His name is Kevin  
23 Campbell.

24 MR. MCGAHA: It has been a long  
25 day. I apologize.

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1 [!WITNESS NAME]

2 MS. MASSIMI: It is a self  
3 imposed problem that you created.

4 His name is Kevin Campbell.

5 Q. What is the highest level of  
6 education that you --

7 A. Some high school, at the time of  
8 this.

9 Q. Okay.

10 A. Yes.

11 Q. Do you have any certificates?

12 A. No. After I got terminated, I  
13 went and got my GED and enrolled in school,  
14 in college.

15 Q. Okay. How far along did you get  
16 in college?

17 A. I am working on my prerequisites  
18 to become an X-ray technician, so I am  
19 working on that right now.

20 I actually took a semester off  
21 because I became very sick, so I am not  
22 enrolled currently right now.

23 But I will be back in school the  
24 next semester, in January.

25 Q. How far have you matriculated

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1 [!WITNESS NAME]  
2 through college? How far along have you got?  
3 MS. MASSIMI: Objection.  
4 You can answer the question  
5 again.  
6 A. What, exactly, are you asking me?  
7 Can you rephrase the question?  
8 Q. How much --  
9 A. School.  
10 Q. You much schooling have you done?  
11 MS. MASSIMI: I don't know why --  
12 he is answering your question.  
13 You can answer the question  
14 again.  
15 I am sorry he is being so rude to  
16 you.  
17 A. Yeah, I did a year of school so  
18 far.  
19 Q. You did one year?  
20 A. Yeah, so far.  
21 Q. Thank you.  
22 One year of college?  
23 A. Yes. I am proud of it.  
24 Q. What is your major?  
25 A. I am a health sciences, but I am



1 [!WITNESS NAME]

2 pre-declared, because I am going into an  
3 X-ray technician, but it is health sciences.

4 Q. Where are you in school?

5 A. LaGuardia Community College in  
6 Sunnyside, Queens.

7 Q. Are you currently employed?

8 A. Yes.

9 Q. Who is your current employer?

10 A. Planned Companies.

11 Q. Planned Companies?

12 A. Planned Companies.

13 Q. And what is your title there?

14 A. I am a security guard.

15 But right now, I am currently, as  
16 of May 30th, I am working as a concierge.

17 Q. At the same company?

18 A. At the same company, yes.

19 Q. And how long have you been there?

20 A. I have been there since August of  
21 2021.

22 Q. Okay. What other -- what other  
23 employment, if any, have you had since  
24 leaving FedEx, other than your current  
25 employer?

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1 [!WITNESS NAME]

2 A. That is the only employment I  
3 have had, because I am a good employee, so I  
4 don't switch jobs.

5 Q. Okay. So you were unemployed  
6 between May of 2021 and August of 2021?

7 A. Yeah. From May to August, yes,  
8 because I went and got my security license.

9 And due to the fact of the GFT  
10 process, I would have been able to start that  
11 process earlier, but I didn't want to start  
12 the process and then get my job back, so that  
13 GFT process actually hindered me from getting  
14 my security license, waiting on the response  
15 from them.

16 But as soon as the third GFT  
17 letter came through, I started working on my  
18 security license and ensured that I would get  
19 employment somewhere.

20 Q. Are you a full-time employee?

21 A. Yes, sir.

22 Q. And do you have salary?

23 A. No. I get paid recently.

24 Since I took this new job, I  
25 don't have set salary, but I do get paid by

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1 [!WITNESS NAME]

2 the hour.

3 Q. What is your hourly rate?

4 A. Right now, as of with this new  
5 job, \$20 an hour.

6 Q. What were you making before you  
7 become -- you said your new job. You mean  
8 concierge?

9 A. Yes. The same company, but new  
10 title.

11 Q. You said you were a security  
12 guard previously, correct?

13 A. Yes, sir.

14 Q. When you were a security guard,  
15 how much were you making?

16 A. About 17 dollars and 50 cents.

17 Q. How many hours per week do you  
18 work?

19 A. I work four days. Each day is  
20 eight hours, so roughly 32 hours a week.

21 Q. Do you make overtime?

22 A. No overtime.

23 Q. Okay. Did you receive  
24 unemployment between May 2021 and August  
25 2021?

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1 [!WITNESS NAME]

2 A. No.

3 Q. Did you attempt to receive  
4 overtime during that time period?

5 A. Overtime?

6 Q. Not overtime, unemployment?

7 A. No.

8 Q. So you have never applied for  
9 unemployment?

10 A. Never.

11 Q. Have you sought any medical care  
12 as a result of the emotional distress you  
13 suffered as a result of the defendant's  
14 actions?

15 A. No.

16 Q. Are you currently prescribed any  
17 medications?

18 A. No. In terms of what, because I  
19 get a shot for allergies every week?

20 Q. Okay.

21 A. That is --

22 Q. Is that it?

23 A. That is it.

24 Q. Have you ever sued or been sued  
25 before?

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1 [!WITNESS NAME]

2 A. Never, no.

3 Q. Have you ever been terminated  
4 from another job?

5 A. Yes, once.

6 When I was around 19 years old I  
7 was fired from Whole Foods for attendance.

8 Q. And is that the only time you  
9 have been terminated?

10 A. That is the only time.

11 Q. Are you married?

12 A. No.

13 Q. Do you have any children?

14 A. No.

15 Q. What is your current address?

16 A. 2024 31st Street, Astoria,  
17 New York, ZIP code 11105.

18 Q. Okay. What is your phone number?

19 MS. MASSIMI: We are not going to  
20 provide the phone number right now.

21 Q. What are the last four digits of  
22 your phone number?

23 MS. MASSIMI: We are not  
24 providing the phone.

25 Q. What are the last four digits of

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1 [!WITNESS NAME]

2 your phone number?

3 MS. MASSIMI: Mr. McGaha, I have  
4 instructed him not to answer that.

5 We are not providing that.

6 MR. McGAHA: Thank you. I will  
7 make the judge aware of that.

8 MS. MASSIMI: Okay.

9 Q. Were you ever issued a FedEx  
10 phone while you were employed there?

11 A. No.

12 Q. Have you ever filed for  
13 bankruptcy?

14 A. No.

15 Q. Is there anything that we have  
16 not discussed that relates to the allegations  
17 in your complaint that you would like to make  
18 sure is on the record?

19 MS. MASSIMI: Objection.

20 This is your deposition, so you  
21 need to ask a question.

22 Q. It is a yes or no question.

23 Is there anything that we have  
24 not discussed that you would like to put on  
25 the record, as it relates to the allegations

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1 [!WITNESS NAME]

2 that you made in your complaint?

3 MS. MASSIMI: Objection.

4 You can answer the question.

5 A. The one thing that I wish we  
6 would be able to discuss is how this impacted  
7 my life after my termination. I don't know  
8 if that was going to be one your questions.

9 Q. Sure. Do you want to explain how  
10 it impacted your life? Please tell me.

11 A. I would like to start by saying  
12 that it was extremely unsettling. I became  
13 very depressed. I couldn't eat. I couldn't  
14 sleep. I lost a lot of weight. It basically  
15 changed the way that I viewed the world.

16 I also knew that racism was a  
17 thing, but I never thought, in this day and  
18 time, I would be somebody that would be  
19 affected by it.

20 Moving forward, it made it  
21 extremely hard for me to trust future  
22 employers and people that I worked with,  
23 because I honestly felt like I could be fired  
24 at any time because of my race, and that  
25 causes someone to dislike me without actually

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1 [!WITNESS NAME]

2 getting to know me as a person and respecting  
3 my work ethic.

4 So I just wanted to say that  
5 'cause we didn't get to that, to how did it  
6 affect me, and it is still affecting me to  
7 this day.

8 So it is very upsetting, it is  
9 very emotional, and things like that. So I  
10 just wanted to get that out on the table.

11 MR. McGAHA: Thank you.

12 That is all I have.

13 MS. MASSIMI: Okay.

14 MR. BRODSKY: No questions,  
15 Counsel?

16 MS. MASSIMI: No. I am all set.

17 MR. BRODSKY: All right.

18 Counsel, if there are not further  
19 questions, any stipulations Counsel  
20 wants to put on the record?

21 And if there are no objections, I  
22 will conclude the video recording for  
23 today's proceeding.

24 MR. McGAHA: No stipulations from  
25 us.

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1 [!WITNESS NAME]

2 MR. BRODSKY: Okay.

3 MS. MASSIMI: Just for my own  
4 education, what stipulations would those  
5 be?

6 MR. BRODSKY: Well, read and  
7 sign, or whatever you want to put.

8 MS. MASSIMI: Well, I think you  
9 are going to send us a copy, right,  
10 Mr. McGaha?

11 MR. McGAHA: No.

12 MR. BRODSKY: Okay.

13 MS. MASSIMI: I am sorry.  
14 You are not going to send us a  
15 copy of the transcript?

16 MR. McGAHA: No.

17 You can order your own.

18 MS. MASSIMI: Usually it is  
19 general -- you have to send us a copy,  
20 for him to review it.

21 MR. McGAHA: We didn't do a read  
22 and sign stipulation, did we?

23 MR. BRODSKY: Nobody did. Nobody  
24 said anything.

25 MR. McGAHA: We didn't stipulate

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1 [!WITNESS NAME]

2 to that.

3 MS. MASSIMI: Okay. That is not  
4 usual practice, but okay.

5 MR. BRODSKY: All right.

6  
7 Counsel, here ends media unit  
8 number 5.

9 This concludes the video recorded  
10 deposition of Kevin Campbell, taken by  
11 the Defendants on Thursday, December 7,  
12 2023.

13 The time is 18:45 Eastern  
14 Standard Time, and we are going off the  
15 record.

16 (Time noted: 6:45 p.m.)  
17

18 -----  
19 KEVIN CAMPBELL

20 Subscribed and sworn to before me this

21 -----day of -----, 2023.

22 -----, Notary  
23 Public.  
24  
25

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Mr. McGaha		

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CERTIFICATE

I, MARIA ACOCELLA, a Notary Public within  
and for the State of New York, do hereby  
certify:

That the witness whose deposition is  
hereinbefore set forth, was duly sworn by me  
and that the within transcript is a true  
record of the testimony given by such  
witness.

I further certify that I am not related to  
any of the parties to this action by blood  
or marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my  
hand this 2nd day of January, 2024.



MARIA ACOCELLA

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WITNESS'S CORRECTION SHEET

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KEVIN CAMPBELL

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2023  
\_\_\_\_\_, Notary Public.

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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